

**IN HIGH COURT OF SINDH, CIRCUIT COURT  
MIRPURKHAS**

**C.P No.D-271 of 2025**

[Chetan Kumar and 7 others v. The Election Commission of Pakistan and 5 others]

**Before:**

**Mr. Justice Arbab Ali Hakro**

**Mr. Justice Riazat Ali Sahar**

Petitioners : Chetan Kumar and others through  
Mr. Tilok Chand Bheel, Advocate.

Respondents: M/s. Sabir Hussain, Assistant  
Attorney for Pakistan and  
Muhammad Sharif Solangi, A.A.G.  
Sindh along with Javed Dahri ADC-I,  
Umerkot on behalf of DRO Umerkot  
and Sanjay Kumar, Assistant  
Commissioner, Samaro on behalf of  
R.O. NA-213.

Date of Hearing : **16.04.2025**

Date of Decision : **16.04.2025**

**JUDGMENT**

**RIAZAT ALI SAHAR J:** -Through this Judgment, we intend to  
dispose of captioned petition filed by the petitioners with prayers:-

- a) *To set aside the orders dated 29.03.2025 passed by District Returning Officer Umerkot dismissing the applications/objections over change of polling stations at their original place which were during general election*
- b) *To order for stay for existing polling stations orders till decision of instant petition.*
- c) *Grant costs against the respondents.*
- d) *Any other relief which this Hon'ble Court may deem fit and proper under the circumstances of the case.*

2. The petitioners have challenged the order dated 29.03.2025 passed by the District Returning Officer, Umerkot, whereby their objections regarding the change of polling stations in Constituency NA-213, Umerkot, were dismissed. The petitioners seek to have the said order set aside and pray for restoration of polling stations to their earlier locations as used in the previous general elections. The petitioners claim is that they are enrolled voters and residents of Constituency NA-213 and allege that due to the political influence of local MPAs and Ministers from the ruling party, the polling stations were shifted to distant locations, creating inconvenience for local voters. They contend that these polling stations substituted in the 2025 bye-elections are neither suitable nor equipped with basic facilities and are deliberately selected to favor certain candidates. They also allege that the District Returning Officer (DRO) failed to consider their objections fairly and passed a non-speaking order, thereby violating the principles of natural justice.

3. Respondents No.5 and 6 have filed detailed comments, asserting that all changes in polling stations were made strictly in accordance with Section 59 of the Election Act, 2017. It is stated that the preliminary list of polling stations was duly published on 21.03.2025, inviting suggestions/objections from contesting candidates and voters by 28.03.2025. The petitioners submitted their objections and were called for a personal hearing on 29.03.2025 as per Section 59 (6) of the Act. The record shows that the petitioners appeared and were heard at length. Their

contentions as well as reports from Assistant Commissioners were duly considered and the DRO passed a reasoned order rejecting the objections based on merits and administrative feasibility. It is denied that any political influence was involved.

4. Learned counsel for the petitioners contend that the sudden change of polling stations without considering the ground realities and convenience of voters, violates the fundamental rights of free and fair elections guaranteed under the Constitution. He contends that the new polling stations were chosen to strategically disadvantage certain communities and candidates and the rejection of objections was arbitrary.

5. On the other hand, the learned Assistant Attorney General for Pakistan and learned A.A.G. Sindh supported the stance of the respondents and submitted that all procedures under the Election Act, 2017 and Election Rules, 2017 were duly followed. The petitioners were provided a proper opportunity of hearing, and their objections were decided in accordance with law.

6. We have heard the learned counsel for the parties at considerable length and have carefully perused the available record, including the documents annexed and the procedural history leading up to the present petition. It is evident from the record that the process of finalizing the polling stations was undertaken meticulously and in strict conformity with the mandate of Section 59 of the Election Act, 2017. Preliminary list of polling stations was duly published on 21.03.2025, inviting suggestions/objections from

contesting candidates and voters and in addition applicants/objectors were afforded a meaningful opportunity of personal hearing. Subsequently, the final list of polling stations for Constituency NA-213, Umerkot was published through Gazette Notification dated 04.04.2025, which reads as under:-

*“No. F.2(14)/2025/Bye-Elec.DEC/UK/527.- In pursuance of the provisions of sub-section (6) of Section 59 of the Election Act, 2017 (XXXIII of 2017) read with Sub-Rule 4 of Rule 50 of the Election Rules, 2017, undersigned hereby publishes for general information of the public, the final list of Polling Stations in respect of National Assembly of Pakistan, Constituency No.NA-213, Umerkot for the conduct of Bye-Elections-2025.”*

The poll day is scheduled for 17.04.2025 (i.e. tomorrow).

In these circumstances, the request for alteration of polling stations at this stage is not only procedurally barred but would also seriously disrupt the electoral process. The record clearly demonstrates procedural fairness and adherence to the principles of natural justice at every stage.

7. The impugned order, passed by the District Returning Officer, is detailed and reflects due application of mind to the objections raised by the petitioners as well as the reports and recommendations submitted by the field staff and administrative functionaries. There appears no indication of bias, arbitrariness or mala fide intent in the impugned proceedings. On the contrary, the decision appears to be based on relevant considerations, including

geographic feasibility, voter convenience and administrative exigencies, rather than any political motivation.

8. It is by now a well-settled principle of law that the scope of judicial review in electoral matters is narrow and circumscribed, particularly where the actions of election officials are backed by statutory authority and where the affected parties have been provided adequate procedural remedies. Interference under Article 199 of the Constitution is warranted only in cases of patent illegality, mala fide action, or violation of fundamental rights, none of which are visible in the present matter. The petitioners have failed to point out any jurisdictional error, procedural impropriety, or breach of the principles of natural justice that would justify invoking the extraordinary writ jurisdiction of this Court. Accordingly, we are of the considered view that the petition is devoid of merit and does not call for interference by this Court in the electoral process at this stage.

9. In view of the above facts and circumstances, we find no merit in the petition. The same is hereby **dismissed**.

JUDGE

JUDGE