

ELECTION COMMISSION OF PAKISTAN

PRESENT

MR. SIKANDAR SULTAN RAJA, CHAIRMAN
MR. NISAR AHMED DURRANI, MEMBER
MR. SHAH MUHAMMAD JATOI, MEMBER
MR. BABAR HASSAN BHARWANA, MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER

CASE No.F.6(131)/2023-Law-III

Subject: ELECTION COMPLAINT UNDER SECTION 15 OF ELECTIONS ACT, 2017

Adnan Rasheed Rajput S/o Abdul Rasheed Rajput, r/o House No.C/28 Mohallah Liaqat Colony, Hyderabad.

.....Petitioners

VERSUS

Sohail Khan S/o Khawand Bux Ghulam Muhammad R/o Village Haji Abdul Karim Jahejo PO Rahimabad, Detha, Narejani, Taluka and District Hyderabad.

.....Respondents

For the petitioner: Syed Shehzad Ali Shah Advocate.

For the respondent: Nemo

Date of hearing: 20-07-2023

ORDER

Sikandar Sultan Raja, Chairman- The instant matter was listed for preliminary hearing today. The petitioner, who was a contesting candidate for the seat of Chairman, Town Committee Municipal Corporation, Paretabad, Hyderabad, Sindh, has filed this petition in order to challenge the result of re-poll held in the constituency on 11.07.2023, which was earlier scheduled on 15.06.2023, and was postponed due to certain circumstances. It is the case of the petitioner that he and the respondent No. 1 (Mr. Sohail Khan) secured equal number of votes i.e. 14:14 during the contest/indirect elections and as a result, said respondent No. 1 was declared as returned candidate by the respective Returning Officer on 11.07.2023 by drawing a lot in terms of Rule 41(1) of the Sindh Local Councils (Election) Rules, 2015. However, the Returning Officer has misapplied the relevant law as Section 53 (2) of the main statute i.e. the Sindh Local Government Act, 2013, where there is an equality of votes between two contesting candidates, it is jurisdiction and competence of the Election Tribunal to draw a lot between such candidates to determine as to who shall serve as member of the Council.



for the first half of its term. ~~It is~~ Another allegation of the petitioner that the opposing candidate also polled vote in TMC Tando Jam and he is registered voter in the said constituency. He got modified his CNIC on 04.02.2023, in order to contest election from the subject constituency of Paretnabad and his nomination papers accepted by the Returning Officer on 11.06.2023, were challenged by him before the Hon'ble High Court of Sindh Hyderabad Circuit through a Constitution Petition.

2. We have heard the petitioner's counsel at length. The issues raised in the petition require consideration for which the instant petition is admitted for hearing. Office is directed to issue notice to the respondents for 01.08.2023.

3. In the meanwhile, the operation of notification dated 17th July, 2023, of the returned candidate/respondent No.1, shall remain suspended.

Sd-
Sikandar Sultan Raja
Chairman

Sd-
Nisar Ahmed Durrani
Member

Sd-
Shah Muhammad Jatoi
Member

Sd-
Babar Hassan Bharwana
Member

Sd-
Justice (R) Ikram Ullah Khan
Member

