

**BEFORE THE ELECTION COMMISSION OF PAKISTAN**

**PRESENT:**

MR. NISAR AHMED DURRANI, MEMBER  
MR. SHAH MOHAMMAD JATOI, MEMBER

**Case No. 7(665)/2024LAW-III (GE)**

In Ref: **PETITION UNDER ARTICLES 218 (3) AND 62 (1) (F) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, READ WITH SECTIONS 4, 8, 9, 231 AND 232 OF THE ELECTIONS ACT, 2017; AND ALL OTHER ENABLING PROVISIONS.**

Muhammad Kafeel Ahmad S/o Nizam Ud Din, PK-113 D.I Khan,  
Khyber Pakhtunkhwa

...Petitioner (s)

**VERSUS**

The Returning Officer, PK-113 D.I Khan, Khyber Pakhtunkhwa & 4  
others

... Respondent (s)

For the Petitioner : Mr. Hassan Murtaza, Adv.  
Date of Hearing : 12-03-2024

**ORDER**

**Mr. Nisar Ahmed Durrani, Member.**— Petitioner

Muhammad Kafeel has filed instant petition seeking therein disqualification of respondent namely Ali Amin Khan, elected Member of Provincial Assembly from PK-113, D. I. Khan-III.

2. Matter was fixed for preliminary hearing. Learned counsel for the petitioner contended that 735 Kanal land situated in Mouzah Girah Muhabbat and Muzah Rohri, Tehsil Kulachi, district D. I. Khan was transferred in the name of respondent Ali Amin Khan, Gandapur on temporary basis while Asif Khan was the real owner. That according to undertaking given by answering respondent he is ostensible owner while Asif Khan is sole and absolute owner of the said property which respondent No. 5 will mute the same on demand by Asif Khan. That in assets and



liabilities Forms furnished for the year 2020 and duly published respondent No. 5 has shown purchase of vehicle, Toyota Land Cruiser, YB-777 from the funds which he received from sale of 735 Kanal land i.e. the subject property. Contended that on account of such wrong declaration, respondent is not qualified to hold the office of Member Provincial Assembly.

3. We have heard preliminary arguments which need consideration on merits. Office to issue notice to respondent No. 5 (Ali Amin Gandapur) for the date fixed through District Election Commissioner concerned. The service report of DEC shall reach to this office before the date fixed. Case to come up on **26.03.2024**.



**(Nisar Ahmed Durrani)**

Member



**(Shah Muhammad Jatoi)**

Member

Islamabad

The 12<sup>th</sup> March, 2024

