JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD

CASE NO. : W.P. NO.1951-2018
Abdul Hameed etc.
Vs.
Election Commission of Pakistan through its Secretary, Islamabad etc.

CASE NO. : W.P. NO.2001-2018
Sultan Muhammad Sherani etc.
Vs.
Election Commission of Pakistan through its Secretary, Islamabad etc.

CASE NO. : W.P. NO.2072-2018
Muhammad Umer
Vs.
Election Commission of Pakistan through its Secretary, Islamabad & Another

CASE NO. : W.P. NO.2073-2018
Muhammad Umer
Vs.
Election Commission of Pakistan through its Secretary, Islamabad & Another

Petitioners by	**:**	**Mr. Kamran Murtaza, Advocate** **Barrister Gohar Ali Khan, Advoate** **Mr. Rabi Bin Tariq, Advocate**
Respondents by	**:**	**Malik Mujtaba Ahmad, Additional D.G. Election Commission of Pakistan.**
Date of decision	**:**	**30.05.2018**

AAMER FAROOQ J. This judgment shall decide instant petition as well as W.P. No.2001-2018, W.P. No.2072-2018 & W.P. No.2073-2018, as common questions of law and facts are involved.

2. The Election Commission of Pakistan, vide order dated 03.05.2018, altered the proposed delimitation with respect to Constituencies PB-1 & PB-4 District Sherani & District Musakhail respectively on objections filed by respondent No.2.

3. Learned counsel for the petitioners, *inter alia,* contended that objectors have no *locus standi* for filing representation with respect to Constituency PB-1 & PB-4 inasmuch as they were not the registered voters of the said

Constituencies rather they were the registered voters of PB-42. It was further contended that due to proposed delimitation, the Election Commission of Pakistan has merged PB-1 & PB-4 into one Constituency i.e. PB-1, which does not have physical proximity. It was further contended that National Assembly Constituencies with respect to NA-257 & NA-258, delimitation of which, have been altered and the result of the same is that a voter shall have to travel to cast vote for Provincial Assembly and then to National Assembly for a distance of about 525 kilometers. It was contended that under the circumstances, impugned order was not tenable.

4. Learned counsel for the petitioner, in W.P. No.2001-2018, adopted the arguments of learned counsel for the petitioner in the instant petition. Likewise, learned counsel for the petitioner in W.P. No.2072-2018 & W.P. No.2073-2018 adopted the most of arguments, but contended that on certain issues, challenge to proposed delimitation is made independently of W.P. No.1951-2018.

5. Learned representative of Election Commission of Pakistan, when confronted, contended that proposed delimitation was widely circulated and the petitioners, if had any grievance against the same, could have raised before the Election Commission of Pakistan.

6. Despite issuance of notices, no one has entered appearance on behalf of private respondents.

7. The main thrust of the arguments by learned counsels for the petitioners is that the proposed delimitation of PB-1 & PB-4 has been altered on the objections/representations filed by the registered voter of PB-42.

8. Under section 21(3) of the Elections Act, 2017, a voter of a Constituency may file representation to the Election Commission of Pakistan. Since the objector was not the registered voter of the Constituency hence his

representation was not maintainable. There is nothing on record to show otherwise.

9. As contended by learned counsels for the petitioners even-otherwise, amendments made in the proposed delimitation do not have physical proximity and there is no justification for the same. Again, there is nothing contrary to rebut the stance of petitioners.

10. In view of above, instant petition as well as writ petitions mentioned hereinabove, are allowed and the impugned order dated 03.05.2018 is set aside. Consequently, the representations filed by respondents No.2 & 3 shall be deemed to be pending and shall be decided in accordance with law.

11. The parties shall appear before Election Commission of Pakistan on 04.06.2018.

(AAMER FAROOQ)
JUDGE

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