ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 1742 of 2018

Riaz-Ul-Haq and others.

VS

Election Commission of Pakistan and another.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	29.05.2018.	**Mr. Mustafa Ramday, Advocate for the petitioners.** **Hafiz Mubasshar Ullah, Applicant.** **Sardar Abdul Razzik, for the respondents.** **Malik Mujtaba Ahmed, Additional D.G, Election Commission of Pakistan.** This petition is directed against order dated 16.04.2018 passed by Election Commission of Pakistan. 2. The preliminary delimitation report with respect to NA-111, NA-112 & NA-113 and Provincial Assemblies PP-118 to PP-123 was assailed by one Abdur Rehman (Applicant in CM No. 2566 of 2018) on the ground that the same are not in accordance with the principles provided in the section 20 of the Elections Act, 2017. The petitioner also filed representation against the proposed delimitation, consequently the proposed delimitation was altered and changes were made. 3. Learned counsel for the petitioner, *inter alia,* contended that the impugned order is in violation of provisions of section 20 of the Elections Act, 2017. In this behalf, it was

contended that all Patwar Circles of Tehsil Pir Mahal have been included NA-113, hence, the administrative boundaries have been broken. It was further contended that there is no geographical compactness and 3 Patwar Circles were made part of Tehsil Pir Mahal i.e. PCs Chak No. 389/GB, Chak No. 377/GB and GB-375/GB. It was contented that by virtue of changes made the facility of communication has become difficult. It was further contended that the main road connecting areas excluded from NA-113 and passing through area situated in NA-113. It was further contended that even the cognate factors have not been taken into account.

4. Learned counsel for the applicant, *inter alia,* contended that all the relevant factors have been taken into account and the impugned order is in line with the provisions of section 20 of the Elections Act, 2017.

5. The examination of the impugned order shows that reasons have been provided for making the changes with respect to 3 Patwar Circles mentioned above, however, since changes in the proposed delimitation have been made, therefore, factors/principles provided in section 20 had to be fully acted upon/followed. In this regard presumption is that the delimitation committee as well as Election Commission of Pakistan while

finalizing proposed delimitation satisfied itself, that the proposed delimitation is in accordance with law. The changes since, were being made therefore, cogent reasons for the same had to be provided which should reflect that principles of section 20 have been applied in facts and circumstances which is not borne out in the instant case.

6. The applicant in CM No. 2566 of 2018 also did not provide any cogent ground of oppossing the representation of the petitioner.

7. In view of foregoing, instant petition is allowed and the impugned order dated 16.04.2018 is set aside. Consequently, the representation filed by the petitioner shall be deemed to be pending and shall be decided in accordance with law.

8. The parties shall appear before Election Commission of Pakistan on 04.06.2018. All pending applications are accordingly disposed off.

(AAMER FAROOQ)
JUDGE

Shakeel Afzal

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