

**JUDGMENT SHEET.**  
**ISLAMABAD HIGH COURT, ISLAMABAD,**  
**JUDICIAL DEPARTMENT.**

**W.P No.2758/2019.**

**Walayat Khan** Vs. **Chief Commissioner Islamabad etc.**

Petitioner by: Mr. Waheed Akhtar, Advocate.

Respondents by: M/s Nasim Ahmad Shah, Amanullah,  
Raja Inaam Amin Minhas and Riaz  
Hanif Rahi, Advocates for  
respondents.

**Date of Decision:** **21.08.2019.**

**MOHSIN AKHTAR KAYANI, J:-** Through the instant writ petition, the petitioner has assailed nomination of respondent No.3 as member of Election Commission to conduct the election of Managing Committee of Jammu Kashmir Cooperative Housing Society.

2. Learned counsel for the petitioner contends that respondent No.3 has an active affiliation with one of the candidates and group, who is participating in the election process and in support of his arguments learned counsel for the petitioner has placed reliance on different posters and photographs appended with instant writ petition.

3. Conversely, learned counsel for the respondents contends that selection of member of election commission is based upon general reputes of the members as such there is no disqualification referred in bye-laws as well as constitution of the society; that election process will be held on 25.08.2019 and at this stage order against respondent No.3 will effect the election process.

4. I have heard learned counsel for the parties and perused the record.

5. Perusal of the record reveals that the petitioner is aggrieved with appointment of respondent No.3 as member of election commission to conduct election of Jammu Kashmir Cooperative Housing Society to be held on 25.08.2019. The main grievance of the petitioner is based upon the allegation that respondent No.3 has an open affiliation with one of the contestants and group in the election process and the petitioner feels foul play on the election day. Learned counsel for

W.P No.2758/2019.

the petitioner has been confronted to produce substantial material through which it could be assumed that respondent No.3 has some biasness against the petitioner, who himself is not contesting the election rather he is just a voter, whereby learned counsel has drawn attention of this Court towards the posters and photographs appended with instant writ petition. I have gone through the rules as well as the advertisement for conduct of the election of Jammu Kashmir Cooperative Housing Society, where no such restriction or concept of conflict of interest has been highlighted as such the petitioner is the only person, who has raised objection, whereas candidates of different positions have not raised any objection against nomination of the petitioner as member of election commission of Jammu Kashmir Cooperative Housing Society.

6. In view of the above reasons, the instant writ petition bears no merits and the same has been filed just to hamper election process of Jammu Kashmir Cooperative Housing Society, therefore, the same stands *dismissed*.

(MOHSIN AKHTAR KAYANI)  
JUDGE

R.Anjam