

## **AJK Supreme Court suspends State Election Tribunal's verdict: Grants interim relief to Sardar Mir Akbar Khan, MLA, the Appellant:**



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Altaf Hamid Rao.

MIRPUR (AJK): August 1st: The Supreme Court of Azad Jammu Kashmir here on Friday has temporarily suspended the decision of the AJK Election Tribunal, granting interim relief in favor of Sardar Mir Akbar Khan, Member of Azad Jammu Kashmir Legislative Assembly.

Sardar Mir Akbar Khan had lodged appeal in the Supreme Court of AJK challenging the Tribunal's verdict.

The Tribunal had declared the elections to constituency LA-15 (Sharqi Bagh) null and void on July 22, 2025 due to alleged rigging and administrative irregularities in the AJK Legislative Assembly elections held in July 2021.

Based on the AJK Elections Tribunal's decision, responding to the petition of Sardar Qamar-uz-Zaman Khan, Mir Akbar Khan's legislative assembly's membership was also terminated.

After the order of the learned apex court comprising Acting Chief Justice Khawaja Muhammad Naseem and Judge Raza Ali Khan, announced here on Friday, the Tribunal's decision has become temporarily ineffective. However, the final decision is expected after further hearing / proceeding of the case.

If the Tribunal's decision is restored, the by-elections will have to be held by October 22, 2025.

The apex court order said “In the General Elections to the Legislative Assembly of Azad Jammu and Kashmir held in the year 2021, the petitioner was declared as the returned candidate from Constituency No. LA-XVI, Bagh-III, vide notification dated 30.07.2021. His election was challenged by respondent No.1 through an election petition filed before the Election Tribunal. Upon completion of the proceedings, the learned Election Tribunal, vide judgment dated 22.07.2025, accepted the election petition, declared the election of Constituency No. LA-XVI, Bagh-III as a whole to be void, cancelled the notifications dated 27.07.2021 and 30.07.2021

“The petitioner has called into question the legality of the said judgment by filing an appeal under section 94(3) of the Elections Act, 2020, which is currently under completion in the Registry Office at Muzaffarabad. Meanwhile, the present application under Order VI, Rules 1 and 2 of the Azad Jammu and Kashmir Supreme Court Rules, 1978, seeking urgent hearing and ad-interim ex-parte relief, has been placed before this Court through video link. 2. The learned counsel for the petitioner, M/s. Abdul Rashid Abbasi and Raja Gul Majeed Khan, Advocates, contended that the judgment passed by the Election Tribunal is against the law and facts. They contended that the learned Election Tribunal framed as many as 13 issues. Issues No.5 to 8 were decided in favour of the petitioner, whereas, while deciding the remaining issues against the petitioner, the learned Tribunal declared the elections of whole the Constituency void. They further submitted that the

impugned judgment is beyond the pleadings, as respondent No.1 had only challenged the election process at 17 out of 168 polling stations of Constituency LA-XVI, Bagh-III, without levelling any allegation regarding the remaining 151 stations, but despite this the Tribunal declared the election of the entire constituency void and directed fresh elections, which was not permissible under the law. It was submitted that even in the disputed 17 polling stations, a third candidate, namely Javed Khalil Abbasi, had secured the highest number of votes from two stations, and thus, at most, the Tribunal could have ordered reelection in 15 polling stations only. It was further contended that the Election Tribunal has attributed the corrupt or illegal practices to the polling staff and recommended disciplinary action against them without taking into consideration that the said polling staff was not made party”, the learned court order said.

“After hearing the learned counsel for the parties at length, we deem it appropriate to take up this application along with the appeal on its completion. However, keeping in view the facts and circumstances of this case and the ingredients governing the interim relief i.e., prima facie arguable case, balance of convenience and irreparable loss, it is ordered that the operation of the impugned judgment of the Election Tribunal dated 22.07.2025 shall remain suspended till the final disposal of the appeal”, the learned apex court order concluded.