

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P No. D- 2124 of 2025
[Ali Muhammad vs. P.O Sindh and others]

Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri

Date of hearing and order 16.06.2026

Syed Zafar Ali Shah Bukhari, Advocate for the Petitioner
Mr. Safdar Kamal Ansari, Advocate for Respondents/NADRA
Mr. Zahid Mehmood Mughal, Advocate for Respondent-Bank
Syed Naveed Ahmed Shah, Deputy Attorney General
Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh

ORDER

Adnan-ul-Karim Memon, J;- The petitioner has sought a declaration that the blocking of his CNIC by NADRA was illegal and without lawful authority, along with directions for its immediate restoration. He also requested permission to deposit the decretal amount with the bank and sought suspension of coercive proceedings before the Banking Court. It was contended that he was willing to satisfy the decree and that the blocking of his CNIC violated his fundamental rights. Reliance was placed on a judgment of the Supreme Court holding that CNICs cannot be blocked except in accordance with law.

2. learned Deputy Attorney General assisted by the Counsel for NADRA and counsel for the respondent bank submitted that it had blocked the petitioner's CNIC in compliance with the Banking Court's order, while the bank's counsel contended that substantial dues remained outstanding and that coercive measures had been adopted to secure compliance with the decree.

3. The counsel for the petitioner submitted that the submissions advanced by the learned Deputy Attorney General, learned Counsel for NADRA, and learned counsel for the respondent bank are not sustainable in law. He submitted that merely because NADRA acted pursuant to an order of the Banking Court does not validate an action that is otherwise unsupported by any statutory provision. It is a settled principle that jurisdiction cannot be conferred by consent, acquiescence, or an erroneous judicial direction. The Banking Court, being a creature of statute, can exercise only those powers expressly conferred upon it by the Financial Institutions (Recovery of Finances) Ordinance, 2001, and

the applicable procedural law. Since neither the Ordinance nor the Code of Civil Procedure authorizes the blockage of a citizen's CNIC as a mode of execution, any such direction is without lawful authority and incapable of creating a corresponding legal obligation upon NADRA. The contention of the respondent bank that substantial decretal amounts remain unpaid likewise does not justify the impugned action. The existence of an outstanding liability, however large, cannot empower a court or public authority to adopt measures not sanctioned by law. Recovery of finances must be pursued through the legally recognized modes of execution prescribed under Section 51, C.P.C., and the relevant provisions of the Financial Institutions (Recovery of Finances) Ordinance, 2001. The doctrine that the end does not justify the means is particularly applicable where the exercise of coercive power affects fundamental rights guaranteed by the Constitution. He added that a Computerized National Identity Card is the foundational document through which a citizen establishes legal identity and accesses constitutional, civil, economic, and social rights. Its blockage effectively impairs the exercise of numerous fundamental rights, including the rights protected under Articles 4, 9, 18, 23, 24 and 25 of the Constitution. Such a serious restriction cannot be imposed merely as a pressure tactic to compel payment of a decretal amount, especially in the absence of explicit legislative authorization. The respondents' stance also overlooks the law laid down by the Hon'ble Supreme Court, wherein it was unequivocally held that NADRA possesses no unfettered authority to block or suspend a CNIC except in circumstances expressly contemplated by law. The Supreme Court emphasized that citizenship and identity documents cannot be subjected to executive or administrative restrictions unless supported by a clear statutory mandate and due process. Therefore, compliance with an order that itself lacks legal foundation cannot cure the illegality of the resulting action. Furthermore, it is a settled proposition that where a statute provides specific methods for the enforcement of rights or recovery of dues, authorities are bound to act within those prescribed limits. He added that the Supreme Court reaffirmed that when law requires a thing to be done in a particular manner, it must be done in that manner alone. Consequently, the respondent bank cannot seek recovery through a mechanism that the law neither recognizes nor permits. Accordingly, the respondents' justification

based on compliance with the Banking Court's order and the existence of outstanding dues is legally misconceived. While the bank remains entitled to pursue recovery of its decretal amount through all lawful modes of execution available under the governing statutes, the blockage of the petitioner's CNIC constitutes an unauthorized, disproportionate, and unconstitutional measure that cannot withstand judicial scrutiny. Therefore, the impugned action is liable to be declared illegal and of no legal effect.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. We have noticed that the blocking of the petitioner's Computerized National Identity Card (CNIC) at the instance of the Banking Court, solely as a coercive measure for recovery of decretal dues, was/is without lawful authority, dehors the provisions of law, and violative of the petitioner's fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973. The power to execute a decree is circumscribed by the modes expressly provided under Section 51, C.P.C., and neither the Code of Civil Procedure nor any other cognate law authorizes a Banking Court to direct suspension or blockage of a citizen's CNIC for the enforcement of a money decree.

6. It is a settled principle of law that where a statute prescribes a particular manner for doing an act, it must be done in that manner alone and not otherwise.

7. A CNIC is not merely an identity document; it is the primary legal instrument through which a citizen accesses constitutional, civil, economic, and social rights. Its blockage affects freedom of movement, banking transactions, employment opportunities, property dealings, voting rights, and access to public services. Such deprivation can only be justified through an express statutory mandate and after observance of due process. Any executive direction resulting in the blockage of a CNIC, without specific legal sanction, amounts to an arbitrary exercise of power and offends the guarantees of Articles 4, 9, 14, 18, 23, 24, and 25 of the Constitution.

8. The Supreme Court of Pakistan has categorically held that a CNIC cannot be blocked, cancelled, or confiscated except in accordance with authority expressly conferred by law, and that administrative convenience or coercive considerations cannot override constitutional protections.

9. The NADRA is a creature of statute and can exercise only those powers that have been specifically granted by the National Database and Registration Authority Ordinance, 2000. Any action beyond the statutory framework is coram non iudice and liable to be struck down.

10. At the same time, the decree-holder bank cannot be deprived of the fruits of a lawful decree. The Banking Court retains full jurisdiction to proceed against the petitioner through all lawful modes of execution recognized by law, including attachment and sale of movable or immovable property, garnishee proceedings, arrest and detention where legally permissible, or any other remedy sanctioned under the Financial Institutions (Recovery of Finances) Ordinance, 2001, and the Code of Civil Procedure. However, recovery proceedings must remain within the bounds of legality and constitutional safeguards.

11. Accordingly, the blockage of the petitioner's CNIC is declared illegal, unconstitutional, without lawful authority, and of no legal effect. NADRA is directed to restore and reactivate the petitioner's CNIC forthwith. Nevertheless, this declaration shall not impede the Banking Court from pursuing recovery of the decretal amount through lawful execution proceedings strictly in accordance with the procedure established by law.

12. The petition is, therefore, disposed of in the above terms.

Judge

Judge