

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Before:

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

**C. P. No. D – 948 of 2019: Shah Alam through his attorney v.
Federation of Pakistan & others**

**C. P. No. D – 949 of 2019: Shafiullah through his attorney v.
Federation of Pakistan & others.**

Date of hearing: **17-11-2021**

Date of decision: **17-11-2021**

Mr. Abdul Mujeeb Shaikh, Advocate for Petitioners in both Petitions.
Mr. Safdar Hussain, Legal Advisor of Respondents-NADRA.
Mr. Muhammad Hamzo Buriro, Deputy Attorney General.
Mr. Ahmed Ali Shahani, Assistant A.G.

ORDER

Muhammad Junaid Ghaffar, J. – Through both these Petitions, the Petitioners seek a declaration that the Petitioners and their family members are born citizens of Pakistan with a further prayer that fresh passports be issued to them.

2. Learned Counsel for the Petitioners submits that the Petitioners are presently in Saudi Arabia and their passports have expired; whereas they are in possession of CNICs, hence their passports be directed to be renewed.

3. On the other hand, these Petitions have been opposed by learned DAG as well as Counsel for the Respondents-NADRA on the ground that factual disputes are involved; whereas, even otherwise no case is made out.

4. We have heard all the learned Counsel as well as learned DAG and perused the record.

5. Insofar as Petitioners are concerned, admittedly from time to time passports were issued to the Petitioners and their family by the Consulate in Saudi Arabia; however, these passports were issued to them as Burmese Muslims and not as Pakistanis. Record reflects that all such Burmese Muslims stranded abroad including Saudi Arabia were directed to be issued passports pursuant to a decision of the Cabinet dated

22.08.1994 and a separate serial number was also allotted to such passports. It was further decided that these Burmese Muslims in Saudi Arabia will be issued passports for the period of two years and holders of such passports were required to acquire Pakistani citizenship within the validity of the passports. It reflects that special renewal passport fee was also notified. Admittedly, the Petitioners after obtaining such passports with endorsement of “Burmese Muslims” never fulfilled requirement for seeking Pakistan citizenship within the validity of their passports and never returned to the country. Moreover, these passports were issued during the period from 2010 to 2014, whereas, these Petitions have been filed belatedly after lapse of many years; hence laches are also involved. Besides this, the declaration being sought as to they be declared as Pakistani nationals cannot be done in this constitutional jurisdiction.

6. In view of hereinabove facts of this case, no case for indulgence is made out. Accordingly, both these Petitions stand dismissed.

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