

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-127 of 2025

(Muhammad Ashraf Khan v. Ministry of Interior & Others)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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- 1. For Hearing of CMA No. 605 / 2025 (Stay App)
- 2. For Hearing of Main Case

27-3-2025

M/s Junaid Ahmed, Kawish Hussain & Shahmeer Memon, Advocates for Petitioner
Mr. Noor Muhammad Dayo, AAG
Mr. Abdus Samad Khan, Advocate for NADRA along with Mr. Muhammad Rehan,
Asst. Director, Verification & Revocation Branch
Mr. Amin Ahmed, Asst. Director Passports

- 1. **Sana Akram Minhas J:** The Petitioner, a dual national of Pakistan and Canada, seeks the restoration or reactivation of his digitally impounded *Computerised National Identity Card (“CNIC”)* issued by the Respondent No.3 viz. *National Database and Registration Authority (“NADRA”)*, as well as the renewal of his Pakistani passport. The impounded CNIC was issued on 22.11.2019 and is set to expire on 22.11.2029 (**“Impounded CNIC”**). The passport’s renewal is being withheld due to the CNIC’s impounded status, which, in turn, is based on the alleged ground that the Petitioner is an Afghan national.
- 2. It is necessary to clarify that, although in Prayer Clause No.I, the Petitioner has specifically sought the restoration/reactivation of his *National Identity Card for Overseas Pakistanis (“NICOP”)*, the record shows that it is the most recently issued CNIC i.e. the Impounded CNIC (and not the NICOP) that has been digitally impounded, as also affirmed by NADRA’s Statement dated 11.3.2025 available on the record.

Respective Arguments

- 3. The primary ground asserted by the Petitioner for challenging NADRA’s action is the failure to issue the statutory notice under Section 18(1)¹ of the

¹ Section 18: Power to cancel, impound or confiscate cards. (1) A card issued under this Ordinance shall be the property of the Federal Government and may, by an order in writing under the seal of the Authority or an officer authorised by it in this behalf, be required to be returned and shall also be liable to be cancelled, impounded or confiscated by a like order:

National Database & Registration Authority Ordinance, 2000 (“**Ordinance**”), which mandates the issuance of a show-cause notice to the affected individual before impounding their identity card.

4. The learned Counsel for Petitioner contended that the Petitioner was a Pakistani national by birth, received his education in Pakistan (**Court File Pg. 33**), and served in the Pakistan Merchant Navy for 38 years (**Court File Pg. 35 to 53**) before immigrating to Canada with his family upon his retirement in 2009. The Counsel walked the Court through various documents annexed to the Petition, including the Petitioner’s manual and computerised National Identity Cards (“**NICs**”) / NICOP (first issued in 1974 and last renewed on 22.11.2019 with an expiry date of 22.11.2029) (**Court File Pg. 55 to 59**). Additionally, the Counsel highlighted the Petitioner’s passports (first issued in 1982 and last renewed on 10.12.2014 with an expiry date of 10.12.2019) (**Court File Pg. 61 to 75**), to establish that the Petitioner is a Pakistani national.
5. In response, the learned Counsel for NADRA, while not disputing the authenticity of the copies of NICs, NICOP, and passports submitted with the Petition, emphatically referenced NADRA’s Statement dated 11.3.2025. This Statement enclosed a copy of the comments from NADRA’s Verification & Revocation Branch dated 13.2.2025, which alleged that the Petitioner’s CNIC was impounded on the grounds of a fake and tampered Pakistani passport handed over by Saudi authorities on 22.9.2023, as recorded in the Regional Head Office, Karachi Minute Sheet. The comments further alleged that, despite the issuance of a notice, the Petitioner failed to appear before the Verification & Revocation Board.

Provided that no order shall be made unless such person has been given notice in writing calling upon him to show cause why the order should not be made.

(2) An order under sub-section (1) cancelling, impounding or confiscating a card may be made only if there is reason to believe that –

- (a) The card has been obtained by a person who is not eligible to hold such card, by posing himself as eligible;
- (b) more than one cards have been obtained by the same person on the same eligibility criteria;
- (c) the particulars shown on the card have been obliterated or tampered with; or
- (d) the card is forged.

(3) Any person in respect of whose card an order under sub-section (1) has been made may, within thirty days of the order, appeal to the Federal Government against the order and the decision of the Federal Government in appeal shall be final:

Provided that no order on such appeal shall be passed unless the appellant has been given an opportunity of being heard.

Opinion Of The Court

6. We have heard the submissions of Counsel and gone through the record.
7. With regard to the allegations made against the Petitioner by NADRA, we find its stance riddled with inconsistencies. To enumerate just a few:

i) **Non-Issuance Of Show-Cause Notice Before Impounding CNIC:**

Neither the NADRA's Statement dated 11.3.2025 mentions any notice being issued to the Petitioner prior to the impounding of his CNIC, nor is a copy available on record. However, during the course of his arguments, NADRA's Counsel handed over to the Court an alleged notice under Section 18(1) of the Ordinance, dated 20.10.2023, which he insisted had been issued to the Petitioner before the impounding of his CNIC. The Petitioner's Counsel unequivocally denied receiving it and asserted that it was a fabrication devised as an afterthought.

We find the following defects in the alleged notice:

- a) No proof of service has been provided, such as a postal or courier dispatch and delivery receipt. In the case of email delivery, no email confirmation has been produced, including the full email thread with sender, recipient, date, time, content, and email headers.
- b) Assuming, without conceding, that a notice was issued by NADRA to the Petitioner, it was sent to an outdated and expired address listed on the Petitioner's previous CNIC (issued on 23.5.2005 and expired on 30.4.2013) (**Court File Pg. 59**). However, NADRA subsequently further issued two identity cards – viz., a NICOP (issued on 24.1.2013 and expired on 24.1.2020) and the impounded CNIC (issued on 22.11.2019 and due to expire on 22.11.2029) (**Court File Pg. 59**) – both of which contain a different and updated address for the Petitioner.
- c) The decision to send the alleged notice to an outdated, expired address instead of the Petitioner's current address raises serious doubts about the sender's intent and the legitimacy of the notice. It strongly suggests that the sender's (i.e. NADRA's) intention was to ensure that the notice would not be received by the addressee (i.e. Petitioner).

ii) Flip-Flopping Allegations For Impounding CNIC:

- a) NADRA's Statement dated 11.3.2025 and the comments dated 13.2.2025 from NADRA's Verification & Revocation Branch, both allege that the CNIC in question was impounded due to a fake and tampered Pakistani passport handed over by Saudi authorities on 22.9.2023.

In contrast, the Report filed by the Ministry of Foreign Affairs, dated 26.2.2025 (attached to the Deputy Attorney General's Statement of 21.3.2025), makes no mention of receiving any such fake or tampered passport from the Saudi authorities. On the contrary, the Report explicitly states that it has "*no objection to the renewal of the Petitioner's passport once his NICP [sic] status is resolved by the relevant authorities*".

- b) In glaring contrast to the above allegation, the alleged Section 18(1) notice makes no reference to any alleged fake or tampered passport. Instead, it cites the security agencies' suspicions regarding the Petitioner's nationality, based on the fact that an alleged member of his "*khandaan*" (family), one Mohammad Saeed (holding CNIC No.42201-0372738-7), had surrendered his Pakistani passport while declaring himself an Afghan national.
- c) These two allegations are fundamentally inconsistent, raising serious concerns about the rationale behind the impoundment of the Petitioner's CNIC. This contradiction not only undermines the credibility of the allegations but also raises significant legal and procedural concerns. If the impoundment was genuinely based on a fake or tampered passport, one would expect this allegation to be consistently reflected in all relevant official documents, particularly in the Section 18(1) notice allegedly issued to the Petitioner. Conversely, if the Afghan nationality-related suspicion was the primary basis for the impoundment, then the claim regarding the fake passport appears to be an afterthought, possibly introduced to justify an already questionable decision. Such inconsistencies cast doubt on whether the impoundment was carried out in a fair, transparent, and legally sound manner.

iii) Alleged Non-Appearance Before Verification & Revocation Board:

- a) With regard to the Petitioner's purported failure to appear before the Verification & Revocation Board, when asked how the Petitioner could have travelled to Pakistan without a valid passport to comply with the appearance requirement, NADRA's Counsel was unable to provide an answer. Moreover, when the Petitioner's email dated 3.6.2024 (**Court File Pg. 91, Annex H-1**), in which he accepted the option to appear before the Board via an online platform, was brought to Counsel's attention, he had no satisfactory response.

8. This Court, sitting as a Division Bench in **Muhammad Umar v. Federation of Pakistan**², rendered the following ruling:

12. It is also necessary that NADRA must ensure the service of notices to the concerned person through email, SMS, special messengers, post and/or courier services. After confirmation of service of all or any of the above mode, and expiry of at least 15 days' time if no response is received then impounding proceeding may be initiated. If service of notice cannot be done or confirmed, then NADRA is bound to publish such notice on their website as well as publish the same in a newspaper and after expiry of the aforesaid period impounding proceeding should be initiated. If a person appears before NADRA authorities, after service of notice or publication then NADRA is directed to complete an inquiry within a period of 30 days after giving full opportunity of the audience to him. If a person appears after 'impounding' and give reasons for his non-appearance, then NADRA must give him an opportunity of hearing and during hearing his CNIC may be restored. In any case, the final order passed under section 18 of NADRA Ordinance, must contain reasons for impounding, cancelling or confiscating the CNIC issued to card-holder.

9. Similarly, in **Abbu Hashim v. Federation of Pakistan**³, a separate Division Bench of this Court, while reiterating the principles laid down in *Muhammad Umar* (supra), observed:

18. The purpose of providing procedure for cancellation and confiscation of cards by the legislature does not mean to exercise these powers callously or recklessly but the guiding principle under the law is that there must be some reason to believe and the phrase "**reason to believe**" should not be based on figment of imagination but substantial and definite information and not on vague allegations. **[Emphasis in original]**

10. Applying the above principles to the present case, and in light of the circumstances detailed above (as specified in paragraph 7(i)(a) to (c)), it cannot be said that a valid statutory notice under Section 18(1) was ever issued to the Petitioner prior to impounding his CNIC. The failure to send the

² PLD 2017 Sindh 585 (*Muhammad Umar v. Federation of Pakistan*)

³ PLD 2021 Sindh 492 (*Abbu Hashim v. Federation of Pakistan*)

notice to the Petitioner's current address, despite NADRA having updated records, coupled with the lack of proof of service, strongly suggests that no genuine attempt was made to notify the Petitioner. This raises serious concerns about due process and fairness, rendering the alleged notice ineffective and legally inconsequential. Therefore, the subsequent action of impounding the CNIC cannot be sustained.

11. Likewise, given the contradictions (described in paragraph 7(ii)(a) to (c) above), the impoundment of the Petitioner's CNIC appears to lack a consistent legal or factual basis. Any administrative decision, particularly one affecting a citizen's fundamental rights such as nationality and identity, must be based on clear, verifiable, and legally substantiated grounds. The apparent arbitrariness in this case necessitates reconsideration, ensuring that due process is followed and the Petitioner's rights are not unjustly infringed.

Conclusion

12. In view of the reasons stated above, the Petition is hereby **allowed** to the extent that NADRA is directed to reactivate/restore the Petitioner's Impounded CNIC No.42201-0731286-1, and thereafter submit a compliance report through MIT-II of this Court within fourteen (14) days of receipt of this Order. The parties shall bear their respective costs. However, this Order shall not preclude NADRA from initiating or conducting any fresh inquiry or proceedings, in accordance with law, should credible and concrete material come to light that may substantiate its allegation that the Petitioner is a foreign national, provided that the Petitioner is duly confronted with such material and afforded an opportunity to respond.

JUDGE

JUDGE