

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4355 of 2025

*[Muhammad Zakria V. Federation of Pakistan and others]*

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

*Date of hearing and Order: 29.04.2026*

Mr. Waqas, Advocate for the Petitioner.

Mr. Khaleeq Ahmed, Deputy Attorney General.

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ORDER

Adnan-ul-Karim Memon, J. – Petitioner Muhammad Zakria has filed this Constitution Petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeking following relief:-

- a) *To Declare that the Petitioner and his Children are bona fide citizens of Pakistan by descent, duly entitled to CNICs and passports in accordance with law.*
- b) *To Direct Respondents No. 02 to 04 to forthwith issue a fresh machine-readable Passports and CNICs to the Petitioner's Children in accordance with law, without insisting upon any further or redundant verification.*
- c) *To Restrain the Respondents, their agents, officers, and subordinates from harassing and discriminating against the Petitioner and his family in respect of their nationality status or denying them Passports and CNICs facility in future.*
- d) *To grant any other relief which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

2. The petitioner, through his attorney, invoked the constitutional jurisdiction of this Hon'ble Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions for issuance of CNICs and machine-readable passports to himself and his children.

3. It is the case of the petitioner that he is a bona fide citizen of Pakistan, permanently residing at the stated address and presently employed abroad for livelihood. He submits that his nationality is duly established through his valid CNIC issued by NADRA, his Family Registration Certificate, and the CNICs and passports of his parents and family members. He further states that he has been a lawful holder of Pakistani passports since 1989, which were repeatedly renewed without objection. Even when his passport renewal was once withheld in 2009 for verification purposes, the matter was duly processed through the Consulate General of Pakistan, Jeddah, and the concerned authorities in Pakistan. His nationality was subsequently verified, including confirmation by the Special Branch, Karachi, after which a fresh passport was issued to him, thereby affirming his status as a Pakistani citizen.

4. The petitioner's counsel contends that despite this clear and continuous record of recognition as a Pakistani citizen, the respondents have unlawfully delayed and obstructed the issuance of CNICs and passports to his children. He maintains that under Section 4 of the Pakistan Citizenship Act, 1951, his children are citizens of Pakistan by descent and are legally entitled to CNICs and passports. He alleges that repeated applications submitted on their behalf have been stalled on the pretext of further nationality verification, despite complete documentary proof of their lineage and citizenship. He asserts that such refusal is arbitrary, without lawful authority, and violative of their fundamental rights, including the right to identity, movement, education, and dignity guaranteed under the Constitution. He further submits that issuance of CNICs and passports is a statutory duty under the NADRA Ordinance, 2000 and the Passports Act, 1974, and cannot be denied on discretionary or extraneous grounds.

5. On the other hand, learned counsel for NADRA submitted that the petitioner had obtained CNIC in 2008 and renewed it in 2018; however, for further relief regarding issuance or renewal of CRC/CNIC, the petitioner ought to approach the concerned NADRA centre or Civil Court for declaration of citizenship in accordance with law and policy.

6. The learned Deputy Attorney General (DAG), representing Respondent No.1 and 2, opposed the petition. It was submitted that according to reports from the Consulate General, Jeddah, the petitioner and his family had previously been issued manual travel documents under BM series, which were meant for Burmese Muslims. It was contended that similar documents were also issued to the petitioner's parents, indicating that the petitioner and his family are not Pakistani citizens but Burmese Muslims refugees residing in Saudi Arabia. It was further stated that the Government of Pakistan is in the process of formulating a mechanism in coordination with the Kingdom of Saudi Arabia for regularization of such persons, and until completion of that process, issuance of Pakistani passports and CNICs has been deferred. It was also submitted that in terms of existing policy and prior judgments, the petitioners must approach the competent authority for consideration and establish their status through proper documentation. He emphasized that this petition may be disposed of with the direction that the petitioner may file a proper representation before the Directorate General Immigration and Passports through the Consulate General, Jeddah, along with relevant documents. It is requested that upon receipt of such application, the competent authority shall decide the matter within a reasonable period in accordance with law and policy, and thereafter appropriate action shall follow.

7. Prima facie, the petitioner's citizenship has been consistently recognized as evidenced by his CNIC and Pakistani passports issued and renewed since 1989. Even when a doubt arose in 2009, it was duly verified through official channels,

including the Consulate General and Special Branch, Karachi, resulting in reissuance of his passport. Such recognition, attained after due verification, carries legal sanctity and cannot be arbitrarily withdrawn in the absence of any allegation or proof of fraud. Under Section 4 of the Pakistan Citizenship Act, 1951, the petitioner's children, being born to a recognized Pakistani citizen, are entitled to citizenship by descent as a matter of right. The respondents' insistence on repeated verification despite complete documentary proof is therefore without lawful basis. Their reliance on the alleged issuance of BM-series documents is misplaced, as any prior administrative classification stands overridden by subsequent verification and continued recognition by competent authorities. Moreover, the plea that the matter is subject to a pending policy is no justification to withhold vested rights, as fundamental rights cannot be kept in abeyance. Likewise, directing the petitioner to seek a civil declaration is unwarranted where his citizenship is already established through official records. The respondents' conduct in singling out the petitioner's children for such treatment, while granting similar documents to other family members, is arbitrary, discriminatory, and violative of the principle of equality before law.

8. In view of the above, the petitioner has established a right for hearing by the competent authority on the subject issue and corresponding failure of statutory duty on the part of the respondents. The refusal or delay in issuance of CNICs and passports to his children is violative of his rights subject to reasonable restrictions imposed by the law. Therefore, a writ in the nature of mandamus is warranted, directing the respondents to consider his request for issuance of CNICs and machine-readable passports to the petitioner's children after hearing him, however no bottlenecks shall be created based on repeated and redundant verification in the absence of any concrete evidence of fraud or misrepresentation. Disposed of accordingly.

JUDGE

JUDGE

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