

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-2572 / 2025

(Muhammad Ilyas Vs. Federation of Pakistan & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 24.08.2026.

Mr. Safia Qadir, Advocate for Petitioner.

Ms. Wajiha Mehdi, Assistant Attorney General

Ms. Samina Maqsood, Law Officer NADRA.

Adnan-ul-Karim Memon, J. The Petitioner has filed this Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan for the following reliefs: -

- “a) To declare that the Petitioner and his family members are lawful Pakistani nationals by birth.
- b) Issue a writ of mandamus directing the Respondents to immediately unblock the CNICs of the Petitioner's whole family (Petitioner, his wife and five children).
- c) Declare the action of NADRA in blocking CNICs without notice, reason or hearing as illegal, void, and of no legal effect.
- d) Direct the Respondents to ensure that the Petitioner and his family members are not subjected to any further illegal or arbitrary actions regarding their citizenship;
- e) To direct the Respondents to issue Fresh / New Pakistani CNICs to the Petitioner and his family members according to Law as well as the law of Nationality, as soon as possible, so that the Petitioner and his family members may be secured from mental torture and agony and to avoid complications.
- f) To direct the respondents to treat the petitioner as a "Pakistani National and give them all the rights like a citizen of Pakistan".

2. The petitioner has filed the instant constitutional petition under Article 199 of the Constitution, seeking, inter alia, a declaration that he and his family members are lawful Pakistani citizens and directions to NADRA to unblock and/or issue fresh CNICs to them.

3. The petitioner's case is that he is a Pakistani citizen by birth and was issued his first MNIC in 1995, followed by a CNIC in 2002 and a Smart CNIC in 2023, which remained valid up to 2033. His parents were also Pakistani citizens holding MNICs. The petitioner further states that his wife is a Pakistani citizen holding a valid CNIC and passport, and that they have five children, all of whom possess Pakistani identity documents and passports. According to the petitioner, he and his family are presently residing in Saudi Arabia. When he approached the NADRA

Registration Centre, Jeddah, for renewal of the CNICs of his wife and children, he was informed that the CNICs of the entire family had been blocked. No reason, prior notice, or opportunity of hearing was allegedly provided before such blocking. The petitioner contends that the action has caused serious hardship to the family and adversely affected their access to essential services and the education and future of the children. The petitioner asserts that repeated approaches to NADRA and submission of the requisite documents failed to result in restoration of the CNICs. He therefore maintains that the impugned action is arbitrary, discriminatory and violative of Articles 4, 10-A and 25 of the Constitution, and that he has no adequate alternate remedy except to invoke the constitutional jurisdiction of this Court. He submits that the NADRA, may be called upon to justify the blocking of the CNICs and to establish the legal basis, for such action. The petitioner seeks directions for unblocking/issuance of CNICs to himself, his wife and five children, recognition of their Pakistani citizenship, and protection against any further unlawful or arbitrary action.

4. Learned counsel for the NADRA submits that the petitioner's CNIC was initially digitally impounded in 2014 on account of suspected Burmi/Bengali origin. Although it was subsequently cleared in 2019, it was again digitally impounded in 2023 on the basis of an Intelligence Bureau report stating that 18 fake/forged clearance letters had been found in the record. The petitioner was accordingly advised to appear before the Zonal Verification Board with original documents predating 1971 and one CNIC-holding family member. It is further submitted that the petitioner furnished a fake IB clearance letter and has failed to produce requisite documentary evidence predating 1971. The respondents contend that, under Section 16-A and Rule 13-A of the Pakistan Citizenship Act, 1951, the petitioner is required to establish his citizenship through strong documentary evidence and, if seeking a declaration of Pakistani nationality, to produce a valid Domicile or Citizenship Certificate. She has also raised an objection regarding the maintainability of the petition. It is, therefore, prayed that the petition be dismissed, with direction to the petitioner to approach the Zonal Verification Board along with the required original documents and a CNIC-holding family member, so that his case may be re-examined and a speaking order passed in accordance with law.

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

6. In view of the foregoing, this Court is of the considered view that, in the peculiar circumstances of the case, no declaration of citizenship of the petitioner and his family members can presently be granted merely based on their previous identity documents, particularly when the respondents have raised a specific

allegation regarding doubtful origin and production of a purported forged clearance letter. Such disputed questions are required to be examined by the competent statutory authority in accordance with the Pakistan Citizenship Act, 1951, the NADRA Ordinance, 2000, and the rules/procedure framed thereunder. At the same time, the respondents cannot keep the petitioner's identity documents under impoundment indefinitely without affording him an effective opportunity to establish his claim in accordance with law.

7. The fact that the petitioner is presently residing in Saudi Arabia does not, by itself, disentitle him from pursuing the statutory verification process. Accordingly, the respondents are directed to communicate to the petitioner, through the appropriate channel, the precise documents and requirements necessary for completion of the verification process and to facilitate submission/verification of the same through the Pakistan Mission in Saudi Arabia or through an authorized representative, to the extent permissible under the applicable law and procedure. In case personal appearance before the Zonal Verification Board is a mandatory statutory requirement, the petitioner shall comply with the same through his representative. Upon completion of the requisite process, the competent authority shall decide the petitioner's case by means of a speaking order within three weeks.

8. As regards the petitioner's wife and five children, their identity/citizenship status shall be considered independently based on their respective records and documents, and their CNICs shall not be withheld merely on account of the petitioner's disputed status unless an independent lawful basis exists for such action.

9. Consequently, the petition is disposed of with the above directions, leaving the question of the petitioner's and his family members' ultimate entitlement to Pakistani citizenship/CNICs to be determined by the competent statutory authority strictly in accordance with law in the aforesaid period. The respondents shall not take any further coercive or adverse action against the petitioner or his family members except in accordance with the prescribed statutory procedure and after providing such opportunity as is required by law.

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