

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-6243 / 2025
(Muhammad Rafiq Vs. Federation of Pakistan & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order:- 25.08.2026.

Mr. Qadir Hussain Khan, Advocate for Petitioner.
Ms. Wajiha Mehdi, Deputy Attorney General.
Mr. Abdul Jalil Zubedi, Assistant Advocate General Sindh.
Ms. Samina Iqbal, Law Officer, NADRA.

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

- “a. *To Direct the NADRA authorities for issuance of CNIC to the petitioner as early as possible.*
- b. *Declaring there that all acts taken by the respondents in this regard are void, ab-initio and in operative upon the right of petitioner.*

2. The petitioner, has filed this constitutional petition under Article 199 of the Constitution, seeking a direction to NADRA for issuance of his CNIC. He asserts that he is a Pakistani citizen and that both his parents were Pakistani nationals holding CNICs/MNICs issued by the competent authorities. He relies upon the CNICs and old national identity cards of his parents as proof of his Pakistani lineage and citizenship.

3. The petitioner’s counsel states that he approached the Wafaqi Mohtasib, which, vide decision dated 18.09.2025, closed his complaint on the ground that the matter involved disputed questions of fact requiring examination of documentary and oral evidence by a competent court. According to him, despite repeated efforts, NADRA failed to issue his CNIC, leaving him without access to essential rights and facilities. He therefore invokes Articles 4, 9, 14, 25 and 35 of the Constitution and seeks issuance of his CNIC and declaration that the acts of the respondents in this regard are unlawful.

4. The learned counsel for the NADRA contests the petition and raises preliminary objections regarding maintainability. It submits that the petitioner is essentially seeking determination of his citizenship/national status, which is governed by the Pakistan Citizenship Act, 1951, and the remedies provided

thereunder. It is contended that NADRA is only the database and registration authority and that disputed questions of citizenship cannot be finally determined in constitutional jurisdiction. NADRA's counsel further relies upon the non-compliance with Sections 79 and 80 CPC and contends that the petitioner has an alternate remedy before the competent authorities, including the Ministry of Interior, or before a civil court. On merits, NADRA's counsel states that the petitioner appeared before the Zonal Verification Board and produced the original CNIC/MNICs of his parents; however, the old record could not be verified from the District Registration Office. It further points out that the petitioner declared his place of birth as Burma and that, according to the verification record, his family migrated from Burma after 1973. His case was therefore marked for verification and forwarded to the Verifying Agency (IB). NADRA's counsel maintains that, under its applicable SOPs, the petitioner is required to furnish documentary evidence establishing his status prior to 1971, which he has failed to produce. She accordingly prays for dismissal of the petition on the ground that disputed factual questions and alternate statutory remedies are available to the petitioner.

5. We have heard the learned counsel for the parties and examined the available record.

6. The controversy involved in the present petition is not confined to the mere issuance of a CNIC; rather, the very status and citizenship of the petitioner are disputed. Although the petitioner claims Pakistani citizenship on the basis of the citizenship of his parents and relies upon their CNICs/MNICs, the record placed before this Court, prima-facie, shows that his claim requires verification of the underlying citizenship record. In particular, the petitioner has disclosed his place of birth as Burma, his family is stated to have migrated from Burma after 1973, and the record produced by his parents could not be verified from the concerned District Registration Office. His case was consequently referred to the Verifying Agency for determination of his status.

7. In these circumstances, this Court exercising constitutional jurisdiction under Article 199 cannot undertake an elaborate factual inquiry or determine disputed questions of citizenship merely on the basis of documents whose authenticity and linkage with the petitioner's status are themselves subject to verification.

8. The question whether the petitioner acquired or possesses Pakistani citizenship is essentially governed by the Pakistan Citizenship Act, 1951 and the statutory mechanism applicable to determination and verification of citizenship. However, the NADRA, being primarily responsible for registration and

maintenance of the national identity database, cannot be directed to issue a CNIC as a matter of course where the applicant's citizenship status has not yet been conclusively established by the competent authority, which needs to be looked into in its true perspective.

9. The plea that the petitioner's parents possessed Pakistani CNICs/MNICs, by itself, does not conclude the petitioner's citizenship where the competent authority has raised specific doubts regarding the historical record, place of birth, migration and genuineness/verifiability of the family record. Prima-facie, such matters require examination of original records and, where necessary, verification through the competent agencies.

10. Primarily, the constitutional jurisdiction of this Court is supervisory and cannot be converted into a forum for recording evidence or adjudicating disputed questions of fact for which an appropriate statutory or civil remedy is available under the law.

11. The decision of the Wafaqi Mohtasib dated 18.09.2025 also demonstrates that the petitioner's grievance involves disputed questions of fact requiring examination of documentary and oral evidence by a competent forum. The mere fact that the petitioner has been unable to obtain a CNIC does not confer upon this Court jurisdiction to determine his citizenship status in the first instance, particularly when the respondents have already initiated the prescribed verification process. The constitutional protections relied upon by the petitioner, including Articles 4, 9, 14, 25 and 35 of the Constitution, undoubtedly safeguard lawful treatment and fundamental rights; however, such provisions cannot be invoked to bypass the statutory procedure for establishing citizenship or to compel issuance of a national identity document before the requisite verification is completed.

12. At the same time, the Court is mindful that verification proceedings cannot be kept pending indefinitely, as possession of a CNIC is essential for access to numerous civil and legal facilities. Therefore, while no direction for immediate issuance of the CNIC can be granted at this stage in the face of unresolved questions regarding the petitioner's citizenship status, the competent authority of respondents is expected to conclude the verification process strictly in accordance with law, fairly, expeditiously and without unnecessary delay within three weeks, and thereafter pass a speaking order regarding the petitioner's entitlement / status, after hearing him on the subject issue.

13. For the foregoing reasons, we are of the considered view that the present petition, in its existing form, cannot be elaborated for the relief of directly directing

NADRA to issue a CNIC. Consequently, the petition is disposed of, with the observation that the respondents shall complete the pending verification in accordance with the applicable law and procedure within three weeks' time and communicate the decision to the petitioner after hearing him.

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Shahzad Soomro