

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-2365 of 2025
(Mumtaz Begum v Federation of Pakistan)

Date Order with signature of Judge

Before:-

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 26.02.2026

Mr. Abdul Qadir Khan advocate for the petitioners

Mr. Abdus Samad advocate for NADRA

Ms. Wajiha Mehdi DAG

ORDER

Adnan-ul-Karim Memon, J. – The petitioner has filed the captioned Constitutional Petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer(s):-

- a) *To direct the NADRA authorities to issue the CNIC to the petitioner as early as possible;*
- b) *Declaring that all acts taken by the respondents in this regard are void abinitio and in operative upon the right of the petitioner;*

2. The petitioner claims entitlement to all fundamental rights guaranteed under the Constitution and earlier had approached the Wafaqi Mohtasib (Ombudsman) Secretariat; however, her complaint was disposed of under Regulation 23(1)(t) of the Wafaqi Mohtasib Investigation and Disposal of Complaints Regulations, 2013, with the observation that the matter involved disputed facts requiring adjudication by a court of competent jurisdiction. Thereafter, the petitioner approached National Database and Registration Authority Registration Centre Mega DHA, Karachi, where Token No. 310 bearing Tracking ID No. 505441549433 was issued to her. She submits that her husband expired on 02.11.2023, leaving behind seven children. It is further stated that her father-in-law was issued domicile certificate under the Pakistan Citizenship Act, 1951, National Identity Card by the District Registrar Karachi, and Pakistani Passport, in support of her claim of nationality. She submitted that despite repeated efforts, NADRA failed to issue her CNIC, compelling her to file the instant petition as a last resort.

3. The learned counsel for the petitioner asserts that a CNIC is an essential document for identification and survival in society, and denial thereof amounts to a violation of her fundamental rights guaranteed under Articles 4, 9, 14, 25-A, and 35 of the Constitution. He prayed to allow this petition.

4. Conversely, learned counsel for NADRA opposed the petition and submitted that the petitioner had applied for a CNIC based on two witnesses, while her spouse is deceased. Her case was examined by the Zonal Board and subsequently referred to IB with remarks that no documentary evidence before 1979 was available as required under the MOI Notification and Verification & Revocation Policy, and the origin of the petitioner was reflected as “Alpha Family Null.” He added that It was also observed by the Wafaqi Mohtasib (Ombudsman) Secretariat that the petitioner failed to produce sufficient documentary evidence to establish her Pakistani nationality. NADRA counsel contends that the matter involves disputed questions of fact which cannot be adjudicated in constitutional jurisdiction and requires recording of evidence before the Civil Court; therefore, the instant petition is liable to be dismissed with direction to the petitioner to seek appropriate remedy before the competent Civil Court in accordance with law.

5. We heard the learned counsel for the parties and perused the material available on record.

6. In view of the foregoing facts and circumstances of the case, it appears that the grievance of the petitioner primarily revolves around the non-issuance of a CNIC by the National Database and Registration Authority on the grounds of alleged insufficient documentary evidence regarding her nationality, which involves the determination of a factual controversy. However, since the CNIC is an essential document for the recognition of identity and the enjoyment of fundamental rights guaranteed under the Constitution, the matter warrants reconsideration by the competent authority of NADRA in accordance with the law.

7. Accordingly, without touching upon the merits of the case, the instant petition is disposed of with the direction to the competent authority of NADRA to examine the case of the petitioner afresh, provide her an opportunity of hearing, and pass a speaking order strictly in accordance with law within a period of thirty (30) days from the date of receipt of this order and if the order goes against the petitioner, she may avail the remedy as per law, as suggested for adjudication of the mater by producing the documentary evidence.

8. The petition stands disposed of in the above terms.

JUDGE

JUDGE