

**HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS**

**C.P No.D-73 of 2026**

[Shahzado Saleem v. Federation of Pakistan & Others]

**Before:**  
**Mr. Justice Amjad Ali Bohio**  
**Mr. Justice Riazat Ali Sahar**

|                    |                                                                                 |
|--------------------|---------------------------------------------------------------------------------|
| Petitioner :       | Shahzado Saleem through M/s. Farhan Ahmed Bozdar and Mohsin Dal, Advocates.     |
| Respondents No.1:  | Federation of Pakistan through Mr. Muhammad Sabir Hussain, D.A.G. for Pakistan. |
| Respondent No.2:   | Zong (CMPak) Limited through Mr.Imdad Ali Sahito, Advocate.                     |
| Respondent No.3:   | PTA represented by Mr. Ali Akbar, Deputy Director (Law).                        |
| Respondent No.4:   | Nil.                                                                            |
| Date of Hearing :  | 19.08.2026                                                                      |
| Date of Decision : | 02.09.2026                                                                      |

**JUDGMENT**

**RIAZAT ALI SAHAR J:** - Through this constitutional petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has called in question the re-issuance of mobile number **0313-1243979** by respondent No.2, CMPak (Zong), to respondent No.4 after the number had remained dormant for the prescribed period. The petitioner seeks, *inter alia*, a declaration that the terms and conditions permitting re-issuance of a dormant SIM are unsafe and violative of the fundamental rights of citizens, besides directions to respondent No.3, Pakistan Telecommunication Authority (PTA), to review and regulate the policy relating to re-issuance of mobile numbers.

**2.** Briefly stated, the case of the petitioner is that he had been using multiple SIMs issued in his name by respondent No.2 and that the subject mobile number was originally registered in his name and had also been linked with his Facebook account and other online services. According to him, in November 2024 he discovered that a

Facebook account bearing his name and photograph was being operated by an unknown person who was using the subject mobile number. He consequently approached respondent No.2 and subsequently served a legal notice, alleging that the SIM had illegally been re-issued and that its continued use exposed him to serious risks relating to privacy, identity theft and possible financial fraud. It is further his case that respondent No.2 merely relied upon its terms and conditions and failed to provide him an effective remedy. He, therefore, invoked the constitutional jurisdiction of this Court, asserting that the matter involves public importance and affects the privacy and security of a large number of mobile subscribers.

**3.** Learned counsel for the petitioner contended that mobile numbers in the present digital age are not merely means of communication but are connected with banking applications, mobile wallets, email accounts, social media and other sensitive online services. According to learned counsel, permitting a previously allotted number to be re-issued after a period of non-usage, without adequate safeguards, creates a serious possibility of unauthorized access to accounts and misuse of the identity of the previous subscriber. He contended that the terms and conditions relied upon by respondent No.2 cannot be used as a shield where fundamental rights, particularly the right to privacy, are allegedly placed at risk. Learned counsel, therefore, prayed for appropriate directions against respondent No.2 as well as respondent No.3 for protection of the public at large.

**4.** Learned D.A.G. for Pakistan, supporting the stance taken by the respondents, contended that the controversy is governed by the statutory and regulatory framework applicable to cellular operators and that the petitioner cannot bypass the mechanism provided under the Pakistan Telecommunication (Re-organization) Act, 1996. He contended that the petitioner had already approached the regulatory authority with the very grievance raised before this Court and that the competent authority had examined the matter. Learned D.A.G. contended that no extraordinary constitutional intervention is warranted in the circumstances.

**5.** Conversely, learned counsel for respondent No.2, CMPak (Zong), has strongly opposed the petition. He contended that the relationship between the petitioner and the cellular operator was

contractual and was governed by the applicable Terms and Conditions, under which a SIM remaining dormant/inactive for 180 days could be disconnected and the corresponding MSISDN re-issued to another customer. Learned counsel contended that the subject SIM had remained dormant for a substantially longer period than 180 days and was thereafter lawfully re-issued. The new subscriber was subjected to mandatory biometric verification through NADRA before activation. Learned counsel further contended that the petitioner had already approached the PTA by filing Complaint No. **PTA-Z-20250305-1854817** on 05.03.2025. The PTA obtained the relevant record from respondent No.2 and, on 16.04.2025, closed the complaint after finding that the number had originally been issued to the petitioner, had subsequently remained dormant for more than 180 days and had thereafter been issued to a new subscriber in accordance with the applicable Terms and Conditions. It is contended that the petitioner has not challenged the said determination through the remedies available under the law. He, therefore, contained that the present petition amounts to an attempt to re-agitate a matter already examined by the competent statutory authority.

**6.** Learned counsel for respondent No.3/PTA contended that the Authority is the statutory regulator constituted under the Pakistan Telecommunication (Re-organization) Act, 1996 and is responsible for regulating telecommunication services and safeguarding the interests of users. He contended that the statutory framework provides a mechanism for entertaining and adjudicating complaints between operators and consumers. The PTA further relied upon the applicable Terms and Conditions and the regulatory definition of “non-usage”, under which absence of activity for a continuous period of 180 days constitutes non-usage. Learned counsel, therefore, prayed dismissal of the petition on the ground that the petitioner has not established any illegality warranting interference under Article 199 of the Constitution.

**7.** We have heard learned counsel for the parties and have examined the available record. The following questions arise:

**First**, whether the petition is liable to fail in its entirety merely because the petitioner earlier invoked PTA's complaint mechanism.

**Secondly**, whether the petitioner retained an enforceable right in the MSISDN after the contractual/regulatory period of inactivity had expired and the number had been allotted to another biometrically verified subscriber.

**Thirdly**, whether such re-allotment, on the material presently established, constituted an infringement of Articles 9 or 14 of the Constitution.

**Fourthly**, whether PTA's statutory consumer-protection responsibility raises a distinct question concerning prospective safeguards applicable to recycled numbers.

**Fifthly**, what relief, if any, can justly be granted without appropriating to this Court the technical policy-making functions entrusted by Parliament to PTA

8. Article 199 jurisdiction is extraordinary and discretionary. Nevertheless, the existence of another remedy is not to be applied as a ritualistic formula. In **Dr. Sher Afgan Khan Niazi v Ali S. Habib and others, 2011 SCMR 1813**, the Supreme Court explained that an alternative remedy must be efficacious, convenient, beneficial, effective and speedy and must, in the circumstances, be capable of providing the requisite relief. The same authority cautions that where a specialized statutory mechanism exists the constitutional court should, as a rule, enable that machinery to discharge its function rather than take the function over itself.

9. The Pakistan Telecommunication (Re-organization) Act, 1996 constitutes PTA as the statutory telecommunications regulator and confers upon it regulatory, consumer-protection and complaint functions. The Act is available in its official form through Pakistan Code. The appellate consequences of a PTA determination necessarily depend upon the legal character of the determination and upon whether it was made by the Authority or by an officer under delegated power. It would therefore be unsafe to hold, without examining the closure instrument itself, that every administrative closure of a consumer complaint necessarily amounted to an appealable final adjudication which completely excluded recourse to Article 199.

10. In the present matter the petition contains two forms of relief which ought not to be conflated. The first is the petitioner's **individual claim to restoration of the particular number**. That claim is plainly one which ought ordinarily to have been pursued through the statutory/regulatory mechanism and any appeal lawfully available from its determination. The second is a **prospective public-law contention** that the regulator should examine whether present recycling safeguards sufficiently protect users against foreseeable consequences associated with digital authentication. An appeal concerned only with restoration of the petitioner's subscription may not necessarily provide the same prospective relief.

11. We therefore decline to dismiss the entire petition solely on the formula of alternative remedy. At the same time, Article 199 cannot be converted into an appellate forum for reconsideration of technical subscriber records and contractual facts that properly belong to the regulator.

12. The material presently produced shows prolonged non-use greatly exceeding the contractual 180-day period. The operator's published condition authorizes disconnection and re-issue after that period. Subject to proof that materially the same condition governed this subscription when the disconnection and re-allotment occurred, we find no basis for holding that a subscriber obtains a perpetual proprietary interest in an MSISDN merely because it was previously assigned to him.

13. Contract law distinguishes an enforceable legal right from a commercial expectation. In ***City Schools (Pvt.) Ltd., Lahore Cantt. v. Privatization Commission, Government of Pakistan and others*, 2002 SCMR 1150**, the Supreme Court stressed that contractual rights depend upon the legally binding arrangement actually concluded between the parties rather than an assumption that an expectation itself creates a vested right. Similarly, ***Said Rasool v Maqbool Ahmed etc.*, 2023 SCMR 1390** reiterates the importance of consent, offer and acceptance and objective evidence establishing the terms by which parties intended to be bound.

14. The words in the operator's conditions that the former subscriber has “no option for recourse” cannot, however, be read as excluding recourse created by an Act of Parliament or the Constitution.

Their legitimate contractual effect is that, following lawful expiry and recycling, the former subscriber cannot insist merely on the basis of the previous subscription that the operator repossess the number from its new subscriber.

**15.** Accordingly, subject to verification of the applicable terms and records, **the petitioner has not established a continuing contractual or proprietary right to restoration of MSISDN 0313-1243979.**

**16.** The petitioner's concern is nevertheless not wholly answered by saying that he no longer owns or controls the number. In ***Ms Shehla Zia and others v WAPDA, PLD 1994 SC 693***, the Supreme Court gave Article 9 a broad, dignitarian meaning and recognized that constitutional protection may have a preventive character where serious hazards are credibly placed before the Court. The factual and legal setting there was materially different, and we do not transplant the environmental precautionary doctrine wholesale into telecommunications regulation. The case is relevant for the narrower proposition that constitutional protection is not invariably confined to redressing an injury only after irreversible harm has occurred.

**17.** More directly, ***Mohtarma Benazir Bhutto and another v. President of Pakistan and others, PLD 1998 SC 388*** condemned illegal telephone surveillance and connected privacy of communications with dignity. In ***Justice Qazi Faez Isa v. President of Pakistan and others, PLD 2021 SC 1***, the Supreme Court subsequently distinguished *Benazir Bhutto* when considering access to property and tax information and drew attention to the actual text and scope of Article 14. The combined effect is that privacy is constitutionally serious, particularly in communications, but a court must identify the unlawful intrusion actually proved rather than declaring every information-related risk a constitutional violation.

**18.** In this record there is no evidence that CMPak supplied respondent No. 4 with the petitioner's password, Facebook credentials, banking information, historic messages or other confidential subscriber data. Nor has it been established that the operator accessed or caused access to the petitioner's social-media account. Re-allotment of the

telephone number and unlawful impersonation through a digital platform are not legally synonymous acts.

**19.** Therefore, we are unable to declare that the proved act of re-allotment itself violated Article 14 or Article 9. That finding, however, should not be mistaken for a judicial declaration that recycled numbers create no security problem capable of regulatory attention. PTA's own telecommunications cyber-security materials address identity theft and forms of account/SIM abuse. The possibility that telephone numbers operate as credentials or recovery channels for banking, social-media, email or other accounts is thus a legitimate consumer-protection consideration. Whether that consideration requires notice periods, quarantine periods, additional subscriber warnings or some other technical response is a regulatory question which should initially be examined by the regulator entrusted with expertise and statutory authority. The fundamental-rights challenge to the re-allotment itself fails on the present evidence; the separate regulatory-security issue does not.

**20.** The Act does not constitute PTA merely as a passive registry of whatever contractual terms operators adopt. Its statutory functions include regulation and protection of telecommunications users. In ***Warid Telecom (Pvt.) Ltd. and others v. Pakistan Telecommunication Authority and another*, PLD 2013 Islamabad 55**, the Court examined PTA action designed to protect cellular subscribers against schemes being exploited for fraud and placed emphasis on the Authority's statutory responsibility for consumer protection. In ***Pakistan Telecommunication Authority, PTA Headquarters, Islamabad v. Pakistan Mobile Communication Limited*, 2019 SCMR 924**, the Supreme Court recognized PTA's statutory regulatory and enforcement jurisdiction in the cellular sector.

**21.** At the same time, constitutional review is not a licence for this Court to design a telecommunications numbering code. ***Dr. Sher Afgan Khan Niazi*** supplies the appropriate institutional principle: where the statutory machinery is competent to deal with the matter, the Court should ordinarily ensure that it functions according to law rather than itself assuming the statutory function.

**22.** It would therefore be inappropriate for us to decree, for example, that every recycled number must remain quarantined for a

period selected by the Court, or that a particular technological architecture must be introduced. Such technical and economic matters require data concerning numbering resources, subscriber turnover, fraud incidence, network design and stakeholder impact which this constitutional record does not contain.

**23.** It is, however, within the judicial function to require the statutory regulator to consider the relevant consumer-protection question and decide it according to law by a reasoned exercise of its own authority.

**24.** The 180-day recycling condition is not shown on this record to be facially unconstitutional. There are legitimate reasons why finite telecommunications-numbering resources cannot remain indefinitely reserved to former subscribers who cease using them. What safeguards should accompany recycling is a different question.

**25.** ***Lahore Development Authority through D.G. and others v. Ms Imrana Tiwana and others, 2015 SCMR 1739*** cautions against deciding a broader constitutional question than is necessary and recognizes the judicial preference for a construction preserving legality where possible. We consequently decline the petitioner's prayer for a blanket declaration invalidating the condition.

**26.** We nevertheless clarify that a contractual term permitting recycling does not remove PTA's continuing power and duty to regulate the manner in which consumer interests are safeguarded.

**27.** For the foregoing reasons, the petition is **disposed of** in the following terms:

- (a)** The petitioner's prayer for restoration, transfer or permanent reservation in his favour of mobile number **0313-1243979** is declined, subject to final verification from the record that the applicable subscriber condition permitted re-allotment following 180 days of non-use and that the period of inactivity and lawful re-allotment asserted by respondent No.2 are proved.
- (b)** The prayer to declare the 180-day number-recycling condition, or mobile-number recycling generally,

unconstitutional is also declined. No sufficient evidentiary basis has been established for such a broad declaration.

- (c) Nothing in this judgment shall be construed as holding that the words “no option for recourse” in a subscriber condition exclude any remedy independently conferred by statute or the Constitution.
- (d) Respondent No. 3, PTA, shall treat a certified copy of this judgment as requiring consideration, in exercise of its own statutory authority, of whether the existing regulatory framework governing re-allotment of dormant mobile numbers contains adequate consumer safeguards against reasonably foreseeable identity- and account-security risks associated with number recycling.
- (e) In undertaking that exercise, PTA may obtain such data and consult such regulated operators, public bodies, financial-sector stakeholders, consumer representatives and technical experts as it considers legally appropriate. Without dictating the outcome, matters capable of examination include the adequacy of advance notice before permanent disconnection, consumer warnings concerning accounts linked to the number, any technically justified interval before re-allotment, transparent complaint/escalation procedures and appropriate public guidance concerning digital services linked to recycled numbers.
- (f) PTA shall complete the exercise within **[90] days** of receipt of a certified copy of this judgment and shall record a reasoned decision whether any amendment to its regulations, directions, standard subscriber conditions, licence requirements, consumer guidance or other lawful regulatory instrument is warranted. The merits and technical content of that decision remain for PTA in the first instance.

- (g) Respondent No. 2 shall preserve such records concerning the petitioner's disconnection and the subsequent re-allotment as are required by law or reasonably necessary for any subsisting legal proceeding. Nothing herein authorizes disclosure to the petitioner of respondent No. 4's confidential personal or biometric information otherwise than in accordance with law.
- (h) The interim order dated 18 February 2026, insofar as it blocks or deactivates the number solely by virtue of the pendency of this petition, shall stand discharged, without prejudice to any independent restraint lawfully imposed by a competent authority. The petitioner has not established a superior right to the number sufficient to justify continued deprivation of the later subscriber.
- (i) The petitioner remains at liberty to pursue, before the competent forum and in accordance with applicable law, any independently actionable complaint concerning impersonation, unauthorised access to online accounts, misuse of his photograph or identity, or other cyber-related conduct. Nothing in this judgment expresses an opinion upon the guilt or civil liability of any person in such proceedings.
- (j) In the circumstances, there shall be no order as to costs.

**JUDGE**

**JUDGE**

**Approved for reporting**