

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P.No.D-4399 of 2017**

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Date

Order with signature of Judge  
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**Before:-**

**Mr.Justice Muhammad Ali Mazhar**

**Mr.Justice Agha Faisal**

**Abdul Hakim.....Petitioner**

**Versus**

**The Government of Pakistan**

**& others.....Respondents**

**06-09-2019**

Mr.Muhammad Haroon Shaikh, Advocate for the  
Petitioner.

Mr.Muhammad Nadeem Khan, Assistant Attorney  
General.

Mr.Khalid Memon, Director (SZ), Immigration and  
Passport, Government of Pakistan and Mr.Umer Saeed,  
Assistant Director, Passport are present.

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**Muhammad Ali Mazhar, J:** On last date Mr.Khalid Memon, Director (SZ), Immigration and Passport had submitted a progress report dated 28.7.2019 issued by Mohammad Hassan, Consul (CA), Consulate General of Pakistan, Jeddah. In this report it is stated that the petitioner got passport in the year 1998 and another passport was issued to him in May, 2002. Both passports issued to him were from EB Series allowed to Burmese Muslims. It is further stated that the two BM Series Passports were issued to him on his will and not by mistake. Learned counsel for the petitioner disputed this report and argued that nothing has been placed on record to show that the petitioner got the BM Series passport on his own will, but there must be a mistake on the part of the Ministry of Interior and Consulate General of Pakistan, Jeddah.

2. Be that as it may, the petitioner claims to be a Pakistani by birth, whereas the report submitted by the Immigration Officer to show that he was issued BM Series Passports as Burmese Muslim. This contention cannot be decided in the constitutional jurisdiction as it is well settled that disputed questions of fact cannot be decided in the writ jurisdiction.

3. The court asked learned counsel for the petitioner as to whether he ever approached Ministry of Interior to do the needful. He submits that the petitioner made a representation to Consulate General, Jeddah but the appropriate remedy to file application in Ministry of Interior (Respondent No.1) was not availed. The petitioner may file proper representation to the respondent No.1 along with copies of relevant documents to decide the fate. The learned Assistant Attorney General also concedes to this mechanism, so that the grievance of the petitioner may be redressed after proper consideration by the competent authority. Let the petitioner apply to the respondent No.1 in accordance with law and after filing application the Ministry of Interior shall decide the same within 45 days. The petition is disposed of accordingly.

Office is directed to transmit copy of this order to the learned Assistant Attorney General for compliance.

Judge

Judge