

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P No. D-6247 of 2022

Dated Order with signature of Judge.

Fresh case

1. For order on Misc. No. 26602/2022
2. For order on Misc. No.26603/2022
3. For hearing of Main Case

18.10.2022

Mr. Usman Farooq, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J- The Petitioner seeks that directions be issued to the Respondents, being the Federation of Pakistan and National Database and Registration Authority (NADRA) respectively, for a CNIC to be issued to her. A perusal of the record reveals that prior to invoking the jurisdiction of this Court, the Petitioner had approached the Wafaqi Mohtasib (Ombudsman)'s Secretariat on 24.05.2022 through Complaint No. WMS/KHI/0003048-2022 in that regard, which was closed on 15.06.2022, with the relevant paragraph from the Order reading as follows:

“4.Final hearing of the above mentioned two cases was held on 01.06.2022 in presence of above two complainants as well as representative of Intelligence Bureau and NADRA. The complainants stated that they had already appeared in the Zonal/Regional Verification Board in the past but their cases were not cleared and were preferred to I.B for verification of their national status. The complainants stated that they have brought some more documents which may be examined for an early decision. In view of the submission of complainants, the representatives of the I.B. and NADRA were asked to once again examine the documentary evidence produced by the complainants. After thorough examination of the documentary evidence produced by the complainants, the representative of the I.B and NADRA concluded that either documents were fake

or pertained to the period after 1979, hence not fulfilling the requirements of Verification and Revocation Policy Version 4.0.4, the complainants did not possess sufficient documentary evidence to establish their plea for Pakistan nationality. As such the complainants were advised to approach Court of competent jurisdiction for redressal of their grievance.

5. Perusal of the cases revealed that the facts of the cases are disputed by the parties and to establish the correct position required a detailed examination of both documentary and oral evidence and its assessment for which the proper forum is a Court of competent jurisdiction and not this Office. The above mentioned two cases are closed in terms of Regulation 23 (1) (r) of Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.”

To our minds, the term “Court of competent jurisdiction”, as envisaged in the Order reproduced herein above, connotes a Court of plenary jurisdiction, being a Civil Court, and, needless to say, the instant proceeding under Article 199 of the Constitution does not present an appropriate avenue for conducting a factual inquiry and/or leading evidence so as to establish the status of the Petitioner.

That being so, while granting the application for urgency we hereby dismiss the Petition in *limine* along with the other miscellaneous application.

JUDGE

CHIEF JUSTICE