

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-4323 of 2025
(*Mst. Masooda & others v Federation of Pakistan & others*)

Date	Order with signature of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 10.02.2026

Mr. Muhammad Haroon Shaikh advocate for the petitioners.
Mr. Abdul Samad Khan advocate for NADRA.
Ms. Wajiha Mehdi DAG
Mr. Abdul Jalil Zubedi, AAG

ORDER

Adnan-ul-Karim Memon, J. – The petitioners have filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a) *To direct the Respondents renew the passports of the petitioners as per the rule and to remove/delete the caution/marks from the passports of the petitioners as “MB Number” and issue the “National Passport” to the petitioners and their family members as per their previously issued passports.*
- b) *Grant any other relief deemed just and proper in the circumstances.*

2. The Petitioner No.1 is the mother of Petitioners No.2 to 9. All petitioners are claiming to be Pakistani nationals by birth and hold valid Pakistani identity documents, including CNICs, NICOPs, passports, birth certificates, B-Forms, and domiciles. Petitioner No.1 was married to late Hafiz Mohibullah, a Pakistani national, who passed away in the Kingdom of Saudi Arabia.

3. It is urged by the learned counsel for the petitioners that the petitioners and their family have been residing in Saudi Arabia for many years and were previously availing facilities for renewal of their passports and residence permits without any objection. Petitioners No.2 to 9 have travelled to and from Pakistan on Pakistani passports, which were duly verified by the concerned security agencies, including the Special Branch. However, after expiry of their passports, the petitioners approached Respondent No.3 for renewal. However, the officials of Respondent No.3 unlawfully refused to renew the passports and stated that the petitioners were Burmese nationals, marking their passports with a red-ink “BM Number.” The petitioners categorically denied this allegation and clarified that they are Pakistani citizens and have no connection with Burma. Their parents migrated from East Pakistan, and their

passports had previously been renewed from time to time without any objection. He added that during the proceedings, the petitioners requested deletion of the BM Number and renewal of their CNICs and passports on the basis of valid documentary evidence, but no relief was granted. It is argued that the impugned action of the passport authorities is illegal, arbitrary, and violative of the Constitution, particularly Articles 15 and 25. Identical matters have already been decided by this Court in CP No. D-4399/2016, entitling the petitioners to similar treatment. He prayed to allow this petition.

4. The learned Assistant Attorney General has opposed the petition and prayed for its dismissal.

5. Learned counsel for the NADRA submitted that, as per the report of the Operation Branch, RHO NADRA Karachi, certain data modification and documentation issues were identified; however, the petitioners have no grievance against NADRA/ Respondent No.5. However, their grievance is confined solely to the unlawful refusal of the Passport Department to renew their passports and removal of the BM Number.

6. We have heard the learned counsel for the parties and perused the record with their assistance.

7. In view of the facts and circumstances of the case, we have noticed that the petitioners claim Pakistani nationality on the basis of cogent documentary evidence, including CNICs, NICOPs, passports, birth records, and family lineage. It is not disputed that the petitioners were previously issued Pakistani passports, travelled internationally on the same, and their nationality was verified by the relevant security agencies, including the Special Branch.

8. The impugned refusal to renew their passports, coupled with the affixation of a red-ink “BM Number” branding them as Burmese nationals, has been undertaken without issuance of any show-cause notice, inquiry, or speaking order, thereby violating the principles of due process and natural justice.

9. It is a settled proposition of law that Pakistani citizenship cannot be taken away, doubted, or altered through executive fiat, without following the procedure prescribed under the Pakistan Citizenship Act, 1951, and the rules framed thereunder. Any action having civil consequences must strictly conform to the law and must be preceded by a fair hearing. It is well settled that nationality is a vested legal right and cannot be interfered with arbitrarily or without lawful authority. Similarly, it is also settled that once a person has been consistently treated as a Pakistani citizen by the State, including issuance of CNICs and passports, the burden

lies heavily upon the State to establish otherwise through due process of law. Mere suspicion or internal notings do not justify deprivation of nationality or restriction on the fundamental right of movement guaranteed under Article 15 of the Constitution.

10. The action of the Passport Department is also discriminatory and violative of Article 25 of the Constitution, particularly when persons similarly placed have been granted relief by this Court in identical matters, including CP No. D-4399/2016. The petitioners are, therefore, entitled to equal treatment under the law.

11. As regards NADRA, it has been categorically stated that the petitioners have no grievance against Respondent No.5, and the issues highlighted by NADRA pertain only to data modification, which does not justify the refusal of passport renewal or branding the petitioners as foreign nationals.

12. Accordingly, the impugned action of Respondent No.3 is found to be without lawful authority, arbitrary, and unconstitutional, and cannot be sustained. The petition is disposed of along with pending application(s), with directions to the Passport Department to decide the matter strictly in accordance with law, remove the BM Number/caution marks, and process the renewal of the petitioners' passports after completion of any lawful verification, if required, within a two-week time.

JUDGE

JUDGE