

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4234 of 2026

(Ahmed Shah v Federation of Pakistan & others)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Adnan Iqbal Chaudhary

Date of hearing and Order: 13.07.2026

Mr. Ali Tahir, Advocate for the Petitioner.
Ms. Mehreen Ibrahim DAG
Syed Ali Ahmed Zaidi Addl. A.G. along with
Sameer Ali, Assistant Commissioner Malir, Karachi.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner Ahmed Shah has filed this petition under Article 199 of the Constitution with the following prayer(s):-

- a) Declare that the petitioner is a genuine, natural-born citizen of Pakistan, as conclusively established by NADRA's report dated 08.05.2026 and that the allegation of the petitioner being a front man, sponsor, or Benamidar of any Afghan or other foreign national in respect of either the Petrol Pump Property or the Cattle Farm Property, is baseless, unsubstantiated and stands conclusively negated;
- b) Declare that he continued sealing of petitioner's (i) Petrol Pump Property (M/s Jubilee Filling Station, Plot No. 27/9, Lawrence Quarters, Nishtar Road, Garden Karachi and (ii) Cattle Farm Property (BRB) Society, Malir Karachi, is illegal without lawful authority, mala fide, arbitrary and violative of Articles 4,9, 10-A, 14, 18, 23, 24 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973;
- c) Direct the Respondents, jointly and severally, to forthwith and unconditionally de-seal both the petrol pump property and the cattle farm property and to restore complete, unhindered possession and access thereof to the petitioner within such time as this Court may deem fit;
- d) Pending hearing and final disposal of this petition, pass and ad-interim/interim order directing the Respondents to forthwith allow the petitioner and his staff unhindered access to the cattle farm property for the limited purpose of providing fodder, water and veterinary care to the approximately 100 animals housed therein without prejudice to the rights and contentions of the parties;
- e) Restrain the Respondents, their officers, servants and agents from taking any further coercive, punitive or retaliatory action against the petitioner, his family members, employees, attorneys, or associates, including through registration of fresh FIRs, arrest, or any other coercive measure save strictly in accordance with law;
- f) Initiate contempt of Court proceedings under the Contempt of Court Ordinance, 2003 against the concerned officers of Respondents No. 5,6 and 7 including any predecessor(s) in office, for willful, deliberate and contumacious non-compliance with this Court's order dated 06.04.2026 passed in C.P. No. 1674 of 2026 and C.P. No. D-1908 of 2026 and with the Commissioner's own order dated 29.04.2026;
- g) Direct an independent inquiry by an officer/authority to be nominated by this Court, into the conduct of the concerned officers of the Respondents in relation to the alleged demand of illegal gratification for de-sealing of

the petitioner's properties and into the circumstances surrounding the registration of FIR No. 351/2026 at P.S Gadap City;

- h) To direct the respondents to pay compensation/damages to the petitioner for the losses suffered on account of the illegal and continued sealing of his properties, including loss of business income, inability to pay the salaries/wages of his employees and the value of any animals that may perish or suffer harm due to denial of access to fodder and water in an amount to be assessed by this Court or through such mechanism as this Court may direct;
- i) Direct that FIR No. 351/2026 registered at P.S Gadap City, Karachi and any proceedings emanating therefrom be placed under the scrutiny of this Court and restrain the Respondents from misusing the same or registering further FIR(s) on similar or related allegations as a tool of coercion against the petitioner or persons connected with him;
- j) Direct the respondents to conduct the Illegal Foreigners Repatriation Plan, and any allied mapping/sealing exercise strictly in accordance with law, with due notice and opportunity of hearing to affected property owners before any sealing and with a fixed reasonable and binding timeline for de-sealing upon a negative finding to prevent recurrence of the hardship visited upon the petitioner.
- k) Any other relief(s) which this Court deems fit and proper in the circumstances of the cases.

2. Learned counsel for the Petitioner submits that the Petitioner is a bona fide Pakistani citizen, duly verified by NADRA, holding a valid CNIC, and belonging to a Pakistani family whose citizenship is established through official records. It is contended that the Petitioner is the lawful owner of *M/s Jubilee Filling Station*, situated at Lawrence Quarters, Karachi, and a cattle farm at BRB Society, Malir, Karachi, where approximately 100 animals are maintained as a source of livelihood. Learned counsel submits that, pursuant to the Federal Government's policy regarding identification and repatriation of illegal foreign nationals, the Petitioner's properties were arbitrarily included in a list of suspected properties allegedly linked with Afghan nationals. Without any notice, hearing, or independent verification, the Petrol Pump Property was sealed by the Deputy Commissioner Karachi South, while eviction proceedings were initiated in respect of the cattle farm. It is argued that the Petitioner approached this Hon'ble Court through C.P. Nos. D-1674/2026 and D-1908/2026, wherein this Court, vide orders dated 06.04.2026, observed that no material had been placed on record to establish the Petitioner's alleged foreign status or connection with any Afghan national and directed the Commissioner Karachi to decide the matter through speaking orders after affording an opportunity of hearing. Learned counsel further submits that, pursuant to the said directions, the Commissioner Karachi passed an order dated 29.04.2026 directing verification from NADRA, FIA, FBR, and other relevant agencies, with clear instructions that the properties be de-sealed if the allegation of being a frontman or benami holder was not established through documentary evidence. It is contended that NADRA, being the competent authority for verification of identity and citizenship, issued its report dated 08.05.2026, categorically confirming that the Petitioner's CNIC and family record were genuine and correct. It is submitted that despite such conclusive verification

and expiry of the period fixed by the Commissioner, the Respondents have failed to de-seal the Petitioner's properties and have continued the illegal sealing without any lawful justification. Learned counsel submits that the continued sealing of the Petrol Pump has deprived the Petitioner of his lawful business and livelihood, whereas the sealing of the cattle farm has prevented access to approximately 100 animals requiring regular food, water, and veterinary care. It is argued that such actions are violative of Articles 4, 9, 10-A, 14, 18, 23, 24, and 25 of the Constitution, as the Petitioner has been deprived of his property, business, and dignity without due process of law. Learned counsel further submits that despite the Court's order regarding the cattle farm, the Respondents again sealed the premises without passing any speaking order and, instead of complying with the Court's directions, registered FIR No.351/2026 at Police Station Gadap City under sections 447, 353, 188, 426, 504 and 506 PPC, which is a mala fide attempt to pressurize and harass the Petitioner. It is argued that after NADRA's verification, there remains no legal basis for retaining the properties under seal, and the Respondents have become functus officio. It is urged that the continued inaction amounts to arbitrary exercise of authority, violation of fundamental rights, and disregard of the orders passed by this Hon'ble Court. Learned counsel, therefore, prays that the continued sealing of the Petitioner's properties be declared illegal and without lawful authority; the Respondents be directed to immediately de-seal both properties and restore possession to the Petitioner; appropriate action be taken against the officials responsible for non-compliance with the Court's directions.

3. Learned AAG submits that, pursuant to the orders passed by this Court in C.P. No. D-1674 of 2026 and the directions issued by the Commissioner Karachi vide order dated 29.04.2026, the Deputy Commissioner Karachi South initiated a cross-verification process regarding the Petrol Pump Property situated at Plot No. 27/9, Lawrence Quarters, Nishtar Road, Garden, Karachi. It is submitted that the property was earlier sealed under the Illegal Foreigners Repatriation Plan based on its alleged classification as a Category-II (Benami) property linked with an Afghan national. However, upon the Petitioner producing ownership documents, verification reports were sought from NADRA, FIA, FBR, ISI, Intelligence Bureau, and other relevant departments regarding the Petitioner's CNIC, family status, tax profile, source of funds, and any possible connection as a frontman or sponsor for any foreign national. Learned AAG submits that the said verification exercise was undertaken in compliance with the directions of this Court and the matter was placed before the concerned authorities for necessary verification and further action in accordance with law. He seeks dismissal of the petition on the aforesaid analogy.

4. Upon consideration of the pleadings, submissions of learned counsel for the Petitioner, and the stance taken by learned AAG, it appears that the initial sealing action was undertaken by the Respondents pursuant to the Illegal Foreigners Repatriation Plan on the basis of a suspicion that the subject properties were allegedly linked with an Afghan national or held benami through a Pakistani citizen. However, the record reflects that this action was not preceded by any independent determination, notice, or opportunity of hearing to the Petitioner.

5. This Court, while entertaining C.P. Nos. D-1674/2026 and D-1908/2026, had already observed that no material had been produced to substantiate the allegation against the Petitioner and directed the Commissioner Karachi to examine the matter through a speaking order after affording due opportunity of hearing. In compliance thereof, the Commissioner Karachi directed a comprehensive verification exercise through NADRA, FIA, FBR, and other relevant agencies to ascertain the Petitioner's citizenship status, source of acquisition of property, and any alleged connection with a foreign national.

6. The report furnished by NADRA, being the statutory authority responsible for maintaining identity and citizenship records, categorically verified the genuineness of the Petitioner's CNIC and family record. Prima facie no material has been placed before this Court by the Respondents to rebut the said verification or to establish that the Petitioner is a frontman, sponsor, or benamidar of any foreign national. Therefore, the very basis on which the subject properties were sealed stands substantially weakened. However this is for the respondent to verify and take action in accordance with law.

7. The continued sealing of the properties, despite completion of the verification exercise and absence of any adverse finding against the Petitioner, cannot be sustained indefinitely. An administrative measure taken for a limited purpose of verification cannot be converted into a perpetual deprivation of property, livelihood, and business rights. It is settled that any restriction imposed by the State must have lawful authority, must satisfy the principles of due process, and must remain proportionate to the object sought to be achieved.

8. The Petrol Pump Property represents a lawful business activity of the Petitioner, subject to restriction imposed by law and its continued closure directly affects his right to carry on lawful trade and occupation guaranteed under Article 18 of the Constitution. Likewise, denial of access to the cattle farm, where approximately 100 animals are maintained, raises serious concerns regarding humane treatment and the Petitioner's ability to discharge his obligations towards the livestock.

9. However, the allegation regarding demand of illegal gratification and mala fide registration of FIR No.351/2026 are matters requiring independent examination and cannot be conclusively determined without proper inquiry or proceedings in accordance with law. Similarly, the issue of contempt requires separate consideration after examining whether there was deliberate and wilful disobedience of the orders passed by this Court.

10. In view of the above, this Court is of the considered view that the Respondents cannot continue to retain the subject properties under seal merely on the basis of a suspicion which has not been substantiated by any material. The continued inaction of the authorities, despite verification in favour of the Petitioner, amounts to arbitrary exercise of administrative authority and is inconsistent with the constitutional guarantees of due process, protection of property, and right to lawful business.

11. Accordingly, the Respondents are directed to proceed strictly in accordance with law and, in the absence of any legally sustainable material establishing the alleged foreign linkage or benami ownership, to take immediate steps for de-sealing the subject properties and restoring lawful access to the Petitioner. The Respondents shall also ensure that any future action under the Illegal Foreigners Repatriation Plan is undertaken only after due notice, opportunity of hearing, and adherence to the principles of fairness and proportionality.

12. The petition is accordingly disposed of in the above terms, with no order as to costs. The issues relating to alleged misconduct of officials and proceedings arising out of FIR No.351/2026 shall remain subject to determination by the competent forums in accordance with law.

JUDGE

JUDGE