

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-1721 of 2026
(Hayat Ullah & others versus Province of Sindh and others)

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

Date of hearing and order: 09.4.2026

M/s Ali Tahir and Muhammad Hashim advocates for the petitioners
Mr. Ali Safdar Depar, Assistant AG
Mr. Abdus Samad Khan, Law Officer, NADRA
Mr. Raza Mian, DSP (Legal-II) CPO
Mr. Zahid Hussain Qadri, SDI Bahadurabad on behalf of respondent No.5

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ORDER

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

- a. *Declare that all the Petitioners are lawful Pakistani citizens possessing full constitutional protection under the Constitution of the Islamic Republic of Pakistan, and that any attempt to label, treat, or presume the Petitioners as foreign nationals despite valid citizenship documentation is illegal, unconstitutional, discriminatory, and without lawful authority.*
- b. *Declare that the actions undertaken by the Deputy Commissioner East and subordinate officials in initiating coercive proceedings against the properties of the Petitioners are arbitrary, mala fide, unconstitutional, and violative of Articles 4, 18, 23, 24, and 25 of the Constitution of the Islamic Republic of Pakistan.*
- c. *Declare that no coercive action, including sealing, dispossession, interference, or restriction upon the use and enjoyment of the Petitioners' properties, may lawfully be undertaken except strictly in accordance with a valid law, through due process, and after affording the Petitioners notice and a meaningful opportunity of hearing.*
- d. *Declare that the sealing of the cloth shops belonging to the Petitioners, particularly the shops of Petitioner Hayatullah situated at Tariq Road, Faisal Market, Karachi, is unlawful, without jurisdiction, and of no legal effect, having been carried out without statutory authority, without notice, and in violation of fundamental rights.*
- e. *Declare that the impugned actions of the Respondents amount to racial and ethnic discrimination against the Petitioners on account of their Pashtoon identity and tribal background, which is impermissible under the constitutional guarantees of equality and equal protection of law.*
- f. *Direct the Respondents, including the Deputy Commissioner East, all subordinate revenue officials, police authorities, and any person acting under their command or direction, to immediately cease and desist from taking any further coercive or adverse action against the residences, madrasa premises, businesses, and all other properties belonging to the Petitioners.*
- g. *Direct the immediate suspension of all sealing actions already carried out against the Petitioners' shops and properties during the pendency of the present proceedings, and order the de sealing and restoration of possession and business operations forthwith so that the Petitioners may*

resume lawful trade, particularly in view of the ongoing Eid commercial season.

- h. Restrain the Respondents from harassing, intimidating, threatening, or otherwise interfering with the lawful business activities, residential occupation, and property rights of the Petitioners except strictly through lawful procedure sanctioned by statute.*
- i. Declare that any administrative action taken without adherence to due process, without issuance of lawful notice, without recorded reasons, and without providing the Petitioners an opportunity of hearing is void, illegal, and unenforceable.*
- j. Direct the Respondents to recognize and give full legal effect to the citizenship documents, identity records, passports, domiciles, and other official documentation issued by the State of Pakistan to the Petitioners, and restrain the Respondents from questioning or disregarding such documentation without lawful adjudication by a competent forum.*
- k. Direct that no adverse action shall be taken against the Petitioners on the basis of ethnicity, language, tribe, or presumed origin, and that all authorities shall ensure equal treatment of the Petitioners as citizens of Pakistan in accordance with constitutional mandates.*
- l. Direct the Respondents to provide a written legal basis, if any exists, for any future regulatory action concerning the Petitioners' properties, and to ensure strict compliance with principles of natural justice prior to undertaking any such action.*
- m. Suspend the operation, effect, and implementation of all impugned orders, verbal directions, or administrative instructions issued by the office of the Deputy Commissioner East or any other authority against the Petitioners pending final adjudication of this petition.*
- n. Grant protection to the Petitioners against further economic loss and irreparable harm arising from unlawful interference with their lawful trade and business, recognizing that continued sealing of cloth shops during the Eid season constitutes severe and irreversible financial damage.*
- o. Declare that the acts complained of constitute unlawful coercion and abuse of authority exercised without jurisdiction and contrary to constitutional safeguards, and direct that state functionaries act strictly within the bounds of law.*
- p. Grant any other declaration, direction, writ, or relief deemed just, proper, and necessary in the circumstances of the case to secure enforcement of the Petitioners' fundamental rights and to prevent continued abuse of administrative power.*

2. The case of the Petitioners is that they are lawful residents Machhar Colony, Sohrab Goth, Karachi, and engaged in legitimate business activities in the city. On 10 February 2026, officials of the District Administration East, including the Deputy Commissioner and Mukhtiarkar Gulzar-e-Hijri, arrived at the residence of Petitioner Hayatullah accompanied by police personnel and attempted to seal his residence along with the adjoining Siddiqia Madrasa. The officials alleged that the property belonged to one Maulana Raz Muhammad, whom they wrongly claimed to be an Afghan national and a close relative of the Petitioners.

3. The Petitioners counsel contend that these allegations are factually incorrect. Maulana Raz Muhammad is a Pakistani citizen with a separate family record and is related only through marriage. He added that despite repeated

clarification and presentation of identity documents, the officials persisted with their assumptions and proceeded to treat the Petitioners as foreign nationals without any lawful inquiry. Subsequently, without issuing prior notice or providing any opportunity of hearing, the authorities also sealed the Petitioners' commercial shops located at Tariq Road, Faisal Market, Karachi. As a result, the Petitioners' business activities were completely suspended, causing severe financial loss, particularly during the critical Eid shopping season. The Petitioners maintain that they are longstanding Pakistani citizens, supported by CNICs, passports, domiciles, and other official records extending back several generations. They further assert that Petitioner Hayatullah is an elected public representative and active member of the local business community, which further confirms their lawful status and integration within Pakistani society. It is their case that the impugned actions were taken on the basis of mistaken identity, ethnic profiling, and without any lawful authority, notice, inquiry, or due process. The sealing of properties has deprived them of their fundamental rights, including the right to property, livelihood, and equal protection of law under the Constitution. They therefore seek that this Court declare the actions of the respondents illegal, unconstitutional, and without jurisdiction; order immediate de-sealing and restoration of possession of their residence, madrasa, and shops; restrain further harassment or coercive action; and direct that no adverse steps be taken against them except in accordance with law and after due process.

4. Learned A.A.G without filing comments submitted that the Petitioners have been declared Afghan nationals, hence the sealing of their properties is justified.

5. NADRA Counsel submits that CNIC of the petitioner and his family members are not digitally impounded I NADRA data base. Such report has been placed on record.

6. In view of the facts and circumstances narrated above, it appears that the controversy raised by the Petitioners primarily involves disputed questions of fact regarding ownership, family relationship, and nationality status, which have been determined by the concerned administrative authorities without affording a proper opportunity of hearing or conducting a transparent and reasoned inquiry.

7. Prima facie, no material has been placed on record to substantiate such a claim as pointed out by the learned AAG; therefore, the matter needs to be remanded to the Commissioner, Karachi, to decide the issue of sealing of the subject property within two weeks by speaking order, with cogent reasons and supporting documents whether the DC is competent to seal the private premises

based on the analogy that petitioners are Afghan National, however, after hearing the Petitioners

8. Without expressing any opinion on the merits of the case, it is observed that allegations of such nature, particularly those affecting citizenship status, property rights, and lawful business activities, require careful examination based on the record and after hearing all concerned persons. The principles of natural justice, fair hearing, and due process mandate that no adverse action having civil consequences be taken without proper inquiry and reasoned determination.

9. In these circumstances, this petition along with pending application(s) is disposed of with the direction that the entire matter be remitted to the Commissioner, Karachi Division, who shall examine all relevant aspects of the case, including ownership of properties, family relationships, and citizenship status of the persons concerned, after providing proper opportunity of hearing to all stakeholders and examining the documentary evidence produced by the Petitioners as well as the respondents. The Commissioner shall pass a speaking and reasoned order in accordance with law within a period of one month from the date of receipt of this order. Till such a decision is made, the competent authority shall ensure that only lawful action is taken against the Petitioners' properties.

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