ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-3605 of 2026
(Wali Muhammad & another versus Province of Sindh and others)

Date	Order with signature of Judge

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 08.9.2026

Mr. Ali Tahir advocate for the petitioners
Mr. Abdul Jalil Zubedi, Additional AG

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, seeking the following relief (s): -

a. Declare that the Petitioners are lawful Pakistani citizens, duly documented, duly recognized, and fully entitled to all protections, privileges, guarantees, and rights conferred upon citizens of Pakistan under the Constitution of the Islamic Republic of Pakistan, 1973, including but not limited to protection of law, due process, dignity, equality before law, equal protection of law, freedom of lawful trade and business, freedom of residence, freedom of movement, protection of property, and protection against arbitrary state action.

b. Declare that in view of the official record, comments, verification, and position furnished by NADRA, the allegations, assumptions, suspicions, administrative notings, verbal claims, departmental impressions, or official assertions that the Petitioners are foreign nationals, Afghan nationals, undocumented persons, or persons not entitled to constitutional protection are illegal, incorrect, misconceived, contrary to record, without lawful foundation, and of no legal effect.

c. Declare that the entire basis upon which the Respondents initiated coercive action against the Petitioners, their businesses, their residences, their madrasa premises, their commercial shops, their lawful properties, and their civil rights has collapsed in view of the official confirmation and record of NADRA, and consequently no adverse action can lawfully be maintained, continued, justified, defended, or revived on the basis of the same disproved allegations.

d. Declare that the actions taken by the Respondents and/or their subordinate officers, agents, officials, representatives, functionaries, police personnel, revenue officials, district administration officials, or any person acting under their command, direction, influence, instruction, authority, or purported authority against the Petitioners and their properties are unlawful, unconstitutional, mala fide, arbitrary, discriminatory, without jurisdiction, without lawful authority, without due process, contrary to natural justice, contrary to the order dated 09.04.2026, and violative of Articles 4, 9, 14, 15, 18, 23, 24, 25. and all other enabling provisions of the Constitution of the Islamic Republic of Pakistan, 1973.

e. Declare that no coercive action, sealing, dispossession, obstruction, interference, closure, restriction, adverse entry, inquiry, harassment, intimidation, or punitive measure may lawfully be taken against the Petitioners or their properties merely on the basis of ethnicity, language, tribal affiliation, family association, presumed origin, place of residence, Pashtoon identity, Akakhel tribal background, unverified allegations, or any claim of foreign nationality which has already been disproved by official record.

f. Declare that the Petitioners cannot be deprived of possession, occupation, use, enjoyment, access, business operation, religious use, educational use, commercial use, or beneficial enjoyment of their properties except strictly in accordance with law, pursuant to written notice, after meaningful opportunity of hearing, after proper inquiry, after examination of documentary material, and through a lawful speaking order passed by a competent authority having jurisdiction under a valid statutory provision.

g. Declare that the sealing, closure, interference, restriction, obstruction, and deprivation affecting the Petitioners' commercial properties situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, including Shop No. 81, Shop No. 151. and Shop No. 152, is unlawful, without lawful authority, without jurisdiction, arbitrary, mala fide, unconstitutional, and of no legal effect.

h. Declare that the sealing of Shop No. 81, Shop No. 151, and Shop No. 152 situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, by or at the behest of the Deputy Commissioner South, Mr. Javed Nabi Khoso, or any other concerned authority, on or about 13.04.2026, without notice, without hearing, without inquiry, without written order, without recorded reasons, and without lawful adjudication, was a colourable, coercive, retaliatory, and jurisdictionally defective exercise of executive authority.

i. Declare that the act of de-sealing the Tariq Road premises on or about 13.04.2026 while simultaneously sealing the Petitioners' other commercial properties situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, including Shop No. 81, Shop No. 151, and Shop No. 152, constituted an unlawful attempt to frustrate, circumvent, defeat, and render ineffective the relief, observations, directions, and spirit of the order dated 09.04.2026 passed by this Court in Constitutional Petition No. D-1721 of 2026.

j. Direct the Respondents to immediately de-seal, reopen, restore access to, restore possession of, and permit lawful operation of Shop No. 81, Shop No. 151, and Shop No. 152 situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, Without any further delay, obstruction, condition, restriction, hindrance, demand, or adverse administrative requirement.

k. Direct the Respondents to immediately de-seal, reopen, restore, and hand over possession of all other properties, premises, shops, businesses, residences, madrasa premises, educational institutions, religious premises, commercial premises, warehouses, storage areas, offices, and any movable or immovable property belonging to, possessed by, occupied by, controlled by, used by, managed by, or lawfully connected with the Petitioners which have been sealed, closed, restricted, obstructed, interfered with, or subjected to adverse action in connection with the same allegations.

1. Direct the Respondents to remove all locks, seals, barriers, notices, markings, official restrictions, police deployment, administrative obstruction, written directions, verbal instructions, and any other impediment placed upon or in relation to the Petitioners properties, including the properties situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, and to restore the premises to the Petitioners in the same condition as existed prior to the unlawful sealing.

m. Direct the Respondents to ensure that no inventory, stock, documents, fixtures, fittings, furniture, equipment, records, cash, goods, merchandise, cloth, business material, religious material, educational material, or any other movable property lying inside the sealed premises is removed, altered, damaged, destroyed, tampered with, misappropriated, displaced, replaced, or interfered with in any manner whatsoever.

n. Direct the Respondents to prepare, at the time of de-sealing, a complete inventory of all goods, stock, fixtures, fittings, records, documents, and articles lying inside the affected premises in the presence of the Petitioners or their authorized representatives, and in the alternative appoint the Nazir of this Court to supervise the de-sealing and preparation of such inventory in order to secure transparency, accountability, and protection of the Petitioners' property.

o. Direct the Nazir of this Court, or any other officer deemed appropriate by this Court, to visit, inspect, report upon, and supervise the de-sealing of Shop No. 81, Shop No. 151, and Shop No. 152 situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, and any other affected premises, if so required in the interest of justice.

p. Direct the Respondents to restore the Petitioners to peaceful possession, lawful occupation, commercial use, business operation, and uninterrupted enjoyment of the affected properties and to ensure that the Petitioners are not prevented, obstructed, delayed, harassed, intimidated, threatened, or interfered with while resuming lawful business and other lawful activities.

q. Restrain the Respondents, their subordinate officers, agents, servants, officials, representatives, police officials, revenue officials, district administration officials, and all persons acting under their authority or purported authority from taking any further coercive, punitive, adverse, sealing, de-sealing subject to conditions, dispossessory, restrictive, retaliatory,

intimidating, harassing, discriminatory, or obstructive action against the Petitioners or their properties except strictly in accordance with law and after prior permission of this Court, or such other procedure as this Court may deem just and proper.

r. Restrain the Respondents from again sealing, closing, obstructing, locking. dispossessing, interfering with, occupying, taking over, entering upon, restricting access to, or otherwise disturbing the Petitioners' possession, business, residence, madrasa premises, educational premises, religious premises, or commercial properties on the basis of the same allegations, same record, same assumptions, same nationality dispute, same citizenship allegations, or any issue already examined in Constitutional Petition No. D-1721 of 2026 and in the proceedings before NADRA and the Commissioner Karachi Division.

s. Restrain the Respondents from treating the Petitioners as foreign nationals, Afghan nationals, undocumented persons, illegal immigrants, suspected foreigners, or persons of doubtful citizenship unless and until such status is determined by a competent forum strictly in accordance with law, after notice, after hearing, and upon the basis of lawful. cogent, admissible, and properly verified material.

t. Direct the Respondents to recognize, honour, and give full legal effect to the Petitioners CNICs, Family Registration Certificates, passports, domiciles, property records, business records, educational records, electoral status, and all other official documents issued by the State of Pakistan unless such documents are lawfully cancelled, suspended, blocked, impounded, or invalidated by a competent authority through due process of law.

u. Direct NADRA and all concerned departments to place on record and, where necessary, communicate to all relevant authorities that the Petitioners are Pakistani citizens and that no adverse action shall be taken against them on the basis of unverified allegations inconsistent with the official citizenship record.

v. Direct the Respondents to remove, withdraw, cancel, correct, expunge, or neutralize any adverse entry, adverse note, adverse direction, departmental communication, internal correspondence, police report, revenue report, administrative report, list, database entry. watch-list entry, marking, or record wherein the Petitioners have been incorrectly described, treated, categorized, or presumed as foreign nationals, Afghan nationals, undocumented persons, illegal immigrants, persons of doubtful citizenship, or persons liable to adverse action on such basis.

w. Direct the Respondents to produce before this Court the entire record relating to the decision, direction, order, approval, note, correspondence, communication, file movement, inquiry, report, or instruction pursuant to which the Petitioners' properties were sealed, including the record relating to the sealing of Shop No. 81, Shop No. 151, and Shop No. 152 situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi.

x. Direct the Respondents to disclose the exact statutory provision, legal authority, written order, administrative approval, and factual material relied upon for sealing the Petitioners' properties, and in the event no such material exists, declare the said sealing and all consequential actions to be void ab initio and without lawful authority.

y. Declare that verbal directions, oral instructions, informal communications, unspecified "orders from higher authorities," anonymous information, intelligence assumptions, unverified claims, or administrative suspicions cannot lawfully constitute the basis for depriving citizens of property, livelihood, residence, business, religious use, educational activity, or constitutional protection.

z. Declare that the Respondents are under a constitutional obligation to act fairly, reasonably, transparently, proportionately, and in accordance with law while dealing with the Petitioners and their properties and that any departure from such obligation is subject to correction through the constitutional jurisdiction of this Court.

aa. Declare that the continued sealing and non-restoration of the Petitioners' properties, despite the order dated 09.04.2026, despite the proceedings before the Commissioner Karachi Division, and despite the official NADRA position confirming the Petitioners' citizenship, constitutes continuing unlawful deprivation of constitutional rights and a continuing cause of action in favour of the Petitioners.

bb. Declare that the Respondents cannot indirectly achieve through repeated sealing. administrative harassment, delay, obstruction, or fresh

coercive action what they could not lawfully justify before this Court in Constitutional Petition No. D-1721 of 2026.

cc. Declare that the Petitioners' right to carry on lawful trade, business, commerce, and occupation from their shops, including Shop No. 81, Shop No. 151, and Shop No. 152 situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, is protected by Article 18 of the Constitution and cannot be suspended, destroyed, or interfered with except by lawful authority and due process.

dd. Declare that the Petitioners' right to acquire, hold, possess, use, enjoy, manage, and Benefit from their properties is protected under Articles 23 and 24 of the Constitution and that sealing which deprives the Petitioners of possession, access, use, or commercial benefit amounts to unlawful deprivation of property when carried out without statutory basis and due process.

ee. Declare that the Petitioners dignity, reputation, privacy, family life, livelihood, business goodwill, and social standing have been unlawfully harmed by being treated as foreign nationals despite official record confirming their Pakistani citizenship, and direct the Respondents to refrain from repeating, circulating, publishing, relying upon, or acting upon such allegations without lawful adjudication.

ff. Direct the Respondents to issue necessary written instructions to all concerned subordinate offices, police officials, revenue officials, district administration officials, municipal authorities, market authorities, and any other relevant department that no coercive action shall be taken against the Petitioners or their properties on the basis of the allegations already examined in the earlier proceedings.

gg. Direct the Respondents to ensure that the Petitioners, their employees, representatives, family members, customers, students, religious functionaries, visitors, suppliers, tenants, licensees, or any person lawfully connected with the Petitioners are not harassed, prevented, threatened, detained, questioned, obstructed, or interfered with in relation to the affected properties.

hh. Direct the Respondents to permit the Petitioners to resume all lawful commercial activities, religious activities, educational activities, residential use, storage, management, supervision, and ordinary enjoyment of their properties without requiring any fresh permission, undertaking, payment, security, guarantee, bond, undertaking of abandonment, or any other unlawful precondition.

ii. Direct the Respondents to immediately hand over keys, access, possession, and control of the affected sealed premises to the Petitioners or their authorized representatives, and to complete such process within such time as this Court may deem appropriate.

jj. Direct that in the event the Respondents claim any independent legal basis for any future action against any property of the Petitioners, they shall first issue a written notice identifying the precise allegations, statutory provision, documentary basis, and proposed action, provide reasonable time for response, afford personal hearing, consider the Petitioners' record, and pass a speaking and reasoned order before taking any coercive step.

kk. Declare that any future action taken against the Petitioners without adherence to notice, hearing, reasoned order, jurisdiction, proportionality, and due process shall be void, unlawful, unconstitutional, and liable to be set aside.

II. Suspend, set aside, quash, rescind, recall, annul, and declare without lawful authority any order, direction, letter, report, notice, sealing memo, police report, revenue report, administrative instruction, or any other instrument, whether written or verbal, pursuant to which the Petitioners' properties have been sealed, restricted, or interfered with.

mm. Declare that the proceedings, record, order dated 09.04.2026, NADRA comments, Commissioner Karachi Division proceedings, contempt proceedings, replies to show-cause notices, and all connected documents arising from Constitutional Petition No. D-1721 of 2026 shall be read as part of the present proceedings for the purposes of determining the illegality of the continued sealing and interference.

nn. Direct that the Petitioners shall not be compelled to repeatedly prove their citizenship. ownership, possession, family relationship, or entitlement to constitutional protection before multiple authorities on the basis of the same allegations which have already been examined and disproved through official record.

oo. Declare that the doctrine of legitimate expectation applies in favour of the Petitioners inasmuch as after the order dated 09.04.2026 and after the confirmation furnished by NADRA, the Petitioners were legitimately entitled to expect that their properties would be restored and that no further coercive action would be taken on the same disproved allegations.

pp. Declare that the conduct of the Respondents in continuing the sealing and interference after the collapse of the factual basis of the allegations constitutes arbitrary exercise of power, colourable exercise of authority, non-application of mind, abuse of discretion, and violation of settled principles of administrative law.

qq. Declare that the Petitioners are entitled to protection from collective punishment, collateral coercion, retaliatory action, administrative pressure, and executive interference on the basis of allegations against any third party or on the basis of alleged association, relationship, community, ethnicity, or presumed origin.

rr. Direct the Respondents to ensure that no police station, revenue office, district administration office, municipal authority, or any other public authority shall create obstruction in the Petitioners' access to, occupation of, or use of their properties, including the properties situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi.

ss. Direct the Respondents to produce a compliance report before this Court after de-sealing and restoration of the Petitioners' properties, confirming that possession, access, keys, inventory, documents, and business operations have been restored to the Petitioners.

tt. Direct that any officer who fails to comply with the directions of this Court within the time fixed by this Court shall be required to appear personally and explain the reasons for non-compliance.

uu. Direct the Respondents to refrain from transferring, altering, modifying, damaging. misplacing, destroying, or manipulating any official record relating to the Petitioners, their citizenship status, their properties, the sealing actions, the earlier proceedings, the Commissioner proceedings, the NADRA comments, or the contempt proceedings.

vv. Direct preservation of the entire official record relating to the Petitioners' matter, including all departmental files, notes, correspondence, orders, police reports, revenue reports, sealing memos, photographs, videos, internal approvals, and communications between departments, until final disposal of the present petition.

ww. Direct the Respondents to ensure that the Petitioners are not subjected to any further harassment or adverse action merely because they have approached this Court or have asserted their constitutional and legal rights.

xx. Declare that approaching this Court for enforcement of fundamental rights cannot be treated as a ground for retaliation, victimization, further sealing, harassment, delay, or adverse administrative action.

yy. Grant interim relief pending final disposal of the present petition by directing immediate de-sealing, restoration of possession, reopening, and resumption of lawful business operations in respect of Shop No. 81, Shop No. 151, and Shop No. 152 situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, and all other affected properties of the Petitioners.

zz. Grant interim protection restraining the Respondents from taking any coercive, adverse, punitive, sealing, dispossessory, or interfering action against the Petitioners or their properties during the pendency of the present petition.

aaa. Direct the Respondents to compensate the Petitioners for losses, damages, expenses, deterioration of stock, loss of business, loss of goodwill, financial hardship, and other consequences arising from the unlawful sealing, or in the alternative grant liberty to the Petitioners to seek damages and compensation before the appropriate forum in accordance with law.

bbb. Award costs of the present proceedings and all connected proceedings to the petitioners.

ccc. Grant any other declaration, writ, order, direction, interim relief, final relief, consequential relief, protective relief, compensatory relief, supervisory direction, or equitable relief which this Court may deem fit, just, proper, and necessary in the facts and circumstances of the case for complete and effective enforcement of the Petitioners' fundamental rights, restoration of their properties, prevention of continuing injustice, and protection against abuse of executive authority.

2. The Petitioners have filed this constitutional petition under Article 199 of the Constitution, seeking de-sealing and restoration of their commercial properties, particularly Shop Nos. 81, 151 and 152 situated at Ashiyana Shopping Center, Plot No. G-21, Block-9, Clifton, Karachi, which were sealed by the Deputy Commissioner South on 13.04.2026 without notice, hearing, inquiry, written order or lawful authority.

3. The learned counsel for the petitioner contends that the petitioners are documented Pakistani citizens possessing valid CNICs and other official records, but the Respondents unlawfully proceeded against them on the assumption that they were foreign/Afghan nationals, causing interference with their businesses, properties, residential and religious/educational activities. He relies upon the earlier order dated 09.04.2026 passed in Constitutional Petition No. D-1721 of 2026, whereby the matter was remanded to the Commissioner, Karachi Division, for lawful inquiry and a speaking order after examining the relevant record and affording a hearing. According to the Petitioners' counsel, despite their cooperation and production of documentary evidence, including CNICs, FRCs, passports, domiciles and property records, and despite NADRA confirming their Pakistani citizenship, the aforesaid shops have continued to remain sealed. He asserts that the continued sealing has no independent legal or factual basis and constitutes an arbitrary, mala fide and colorable exercise of executive authority, besides violating their constitutional rights under Articles 4, 9, 14, 18, 23, 24 and 25 of the Constitution. He, therefore, seeks directions for immediate de-sealing, restoration of possession and access, resumption of lawful business activities, protection against further coercive action on the same allegations.

4. Learned AAG, while opposing the petition, submits that the allegations of unlawful, arbitrary and mala fide action are misconceived and denied. He contends that the measures taken by the Respondents were undertaken in exercise of lawful administrative authority and in the light of information and circumstances available to the concerned authorities at the relevant time, and that the Petitioners cannot claim de-sealing as a matter of right merely based on their own interpretation of the NADRA record or the earlier order dated 09.04.2026. He submits that the said order required the matter to be examined by the competent authority and did not itself declare the Petitioners' other properties immune from lawful regulatory or administrative action. The learned AAG further maintains that the allegations regarding violation of Articles 4, 9, 14, 18, 23, 24 and 25 of the Constitution are unfounded, as no fundamental right is absolute and the State is competent to take action in accordance with law where circumstances so warrant. He, therefore, submits that the disputed factual and administrative questions require examination by the competent authorities and cannot be conclusively determined in the present constitutional proceedings,

particularly when the Respondents have acted pursuant to the material available to them. Accordingly, he prays that the petition, being devoid of merit and involving disputed questions of fact, may be dismissed.

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

6. In view of the controversy raised by the Petitioners and the allegations regarding the acquisition, ownership, possession or use of the subject properties by persons alleged to be Afghan/foreign nationals, such factual and disputed questions require proper verification and scrutiny by the competent authority.

7. The earlier order dated 09.04.2026 does not, by itself, confer upon the Petitioners an unconditional declaration of title, citizenship, ownership or immunity from lawful proceedings, nor can this Court, in its constitutional jurisdiction under Article 199 of the Constitution, conclusively adjudicate disputed questions of fact or grant the broad declarations sought by the Petitioners based on competing factual claims.

8. The Commissioner, Karachi Division, being the competent authority in terms of the earlier order, is required to examine the relevant record, including the citizenship status, ownership and acquisition of the properties, the material relied upon by the Respondents regarding their alleged connection with Afghan/foreign nationals, and the documents produced by the Petitioners, after affording them an opportunity of meaningful hearing, and thereafter pass a lawful, speaking and reasoned order in accordance with law.

9. Accordingly, without expressing any opinion on the merits of the rival claims or the legality of the alleged acquisition of the properties, the Petition is disposed of in the aforesaid terms, with the parties left to avail such remedies as may be available to them in accordance with law after the aforesaid exercise.

JUDGE

JUDGE

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