ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4227 of 2026
[Sirkizara V. Federation of Pakistan and others]

Date	Order with signature of Judge(s)

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

Date of hearing and Order:24.09.2026

Mr. Muhammad Asif Bhatti, advocate for the petitioner.
Ms. Wajiha Mehdi, Assistant Attorney General.
Mr. Abdus Samad Khan, Law Officer, NADRA

ORDER

Adnan-ul-Karim Memon, J. Petitioner Sirkizara has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 seeking the following relief:-

> *" **a)** To Issue a writ of mandamus directing the respondents to decide the citizenship application/application for certificate of naturalization of the petitioner's husband, **Nadir Khan (Afghan national)**, in the light of assurance given before this Hon'ble Court on 06.02.2020, to grant Pakistani citizenship to the petitioner's husband, Nadir Khan, and issue him CNIC (Computerized National Identity Card) based on his valid marriage to a Pakistani citizen, his continuous residence in Pakistan since 1993, and his three Pakistani children, all of whom are admitted bona fide Pakistani nationals and further to submit compliance report before this Hon'ble Court.*
>
> ***b)** To direct the respondents to issue a **Pakistan Origin Card (POC)** to the petitioner's husband Nadir Khan, as an interim measure, enabling him to reside permanently in Pakistan with his wife and children, pending the final adjudication of his citizenship rights.*
>
> ***c)** To restrain the respondents, their officers, agents, and subordinates from deporting, detaining, or taking any adverse action against the petitioner's husband, Nadir Khan, pending the final decision of his citizenship application and/or the final disposal of the instant constitutional petition.*
>
> ***d)** To award the costs of the petition to the petitioner, given the gross inaction, negligence, and violation of fundamental rights by the respondents.*
>
> ***e)** Any other relief, including any interim, alternative, or consequential relief, which this Hon'ble Court may deem fit, just and proper in the peculiar facts and circumstances of this case and in the interest of justice, equity, and good conscience."*

2. The petitioner, Sirkizara, has filed this Constitutional Petition under Article 199 of the Constitution seeking directions for decision of her husband Nadir Khan's application for Pakistani citizenship/naturalization and issuance of CNIC/POC, besides protection against deportation or adverse action in the intervening period.

3. Learned counsel submits that the petitioner is a Pakistani citizen and married Nadir Khan, an Afghan national, in 1993; they have five children who are

Pakistani nationals holding CNICs/CRCs, while Nadir Khan has been residing in Pakistan since 1993. It is contended that an earlier C.P. No. D-2831/2019 was disposed of on 06.02.2020 on the assurance that his naturalization application would be decided within three months, but no decision was communicated despite repeated approaches and a subsequent contempt application, which was dismissed for non-prosecution. Counsel therefore alleges violation of Articles 4, 9, 14 and 25 of the Constitution and seeks a direction for expeditious decision of the application. Finally he prayed for allowing the petition.

4. Learned AAG, however, submitted that a foreign male married to a Pakistani female is not entitled to citizenship under Section 10(2) of the Pakistan Citizenship Act, 1951 read with Rule 15 of the Pakistan Citizenship Rules, 1952, and that Nadir Khan, being a citizen of Afghanistan and the USA, is required to apply for a Certificate of Naturalization under Section 3 of the Naturalization Act, 1926, on prescribed Form-A, after fulfilling the requisite lawful-residence and documentary requirements, whereafter his credentials would be verified by the concerned agencies.

5. Learned counsel for the petitioner, when confronted with the legal position, has sought disposal of the petition with the understanding that in one month they have to complete the requisite formalities by filing proper application supported by the documents as required and pointed by the learned AAG in comments.

6. Accordingly, the petition is disposed of, without touching the merits, with a direction that the aforesaid exercise be undertaken within one month and just after receiving the application in one week, if not earlier moved, the same shall be processed accordingly subject to all just exceptions as provided under the law.

JUDGE

JUDGE

Sajid