JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

WRIT PETITION NO. 986 OF 2025

NORANG KHAN, ETC.

VS

THE FEDERATION OF PAKISTAN, ETC.

Petitioners by	**:**	**Syed Naqash Ali Shah, Advocate.**
Respondents by	**:**	**Malik Muhammad Khalid, Advocate for NADRA.** **Raja Zamir ud Din, AAG.**
Date of hearing	**:**	**23.04.2025**

MUHAMMAD AZAM KHAN, J.

1. Through the instant Writ Petition, the Petitioners seek direction to the Respondents to unblock the CNICs of their deceased father and Petitioners No.1 & 2. They also seek directions to the Respondents to issue CNICs in the name of Petitioners No.3 & 4.

2. The brief facts of the case in hand, as per the memo of Petition, are that the father of the Petitioners, namely Seena Gul, was born in the year 1957, and he was issued an old NIC No.146-57-023469. After the establishment of NADRA, he applied for his computerized NIC, and he was issued CNIC bearing No.37405-6362502-5. Petitioners No.1 & 2 were also issued CNICs in their names with CNIC Nos. 37405-9966014-3 and 37405-824826-5. Petitioners No.3 & 4 applied for their CNICs, but they were refused, and it came to their knowledge that the CNIC of their father, namely Seena Gul, as well as the CNICs of Petitioners No.1 & 2, were blocked by the Respondents No.2 & 3/NADRA.

3. The learned counsel for the Petitioners argued that the Petitioners are Pakistani citizens and were born in Pakistan; that the Respondents have no authority under the law to block CNICs of the Petitioners without any lawful justification; that due to the blockage of CNICs, the Petitioners and their family are facing numerous problems in Pakistan; that the act of Respondents is illegal, void ab initio, and is based on incorrect information; that the Petitioners have time and again approached

the office of the Respondent to unblock their CNICs, but in vain; that the Petitioners are Pakistani citizens, and in this regard, CNICs were issued in the name of their deceased father as well as in the name of Petitioners No.1 & 2; that the blockage of CNICs of Petitioners No.1 & 2 without any written notice and without providing an opportunity of hearing is illegal, arbitrary, and an unlawful exercise of authority by the Respondents; that the Petitioners have not misstated the facts regarding their nationality or any other family description, hence, the revocation or blockage of CNICs is void ab initio. Lastly, learned counsel prayed for acceptance of the instant petition and issuance of directions to Respondents to unblock CNICs of the deceased father of Petitioners and Petitioners No.1 & 2. He also prayed for the issuance of directions to Respondents to issue CNICs in the name of Petitioners No.3 & 4.

4. On behalf of the Respondents, it is submitted that the instant writ petition is not maintainable and triable, as there is a factual controversy between the parties which needs to be resolved through trial by the competent court of law. The matter of the Petitioners is pending before the District Level Committee, Rawalpindi, constituted in pursuance of the notification dated 19-04-2017 issued by the Federal Government, for its decision in accordance with the said notification. The Petitioners have a remedy to appear and produce the documents prior to 1979 in accordance with the said notification. The Petitioners have not come to the Court with clean hands. That the Petitioners have obtained CNICs by unfair means, committing fraud and concealing facts at the time of processing their CNICs by posing themselves as citizens of Pakistan. That initially Petitioners' brother, namely Asghar Khan, was detected as a confirmed alien during NDW processing, as he is a registered Afghan refugee holder of POR card; his CNIC has been digitally impounded in the confirmed alien category in accordance with the law. The CNICs of Petitioners No.1 & 2, their father, and siblings are also digitally impounded due to their relationship with Asghar Khan as brother/son. Further, during the drive of the amnesty scheme for surrender of identity documents, the brother of the Petitioners, Mr. Taoos Khan, had himself surrendered his Computerized National Identity Card bearing No.37405-3921296-5 before NADRA Zonal HQ, Sector 10, Street 9, KDA Kohat due to his status as a non-national. The Petitioners are Afghan nationals. They have managed to obtain CNICs by unfair means, by false information, and by posing as citizens of Pakistan. They are not entitled to hold or acquire the CNICs. The CNICs of Petitioners No.1 and 2, as well as their father, are digitally impounded in the

confirmed alien category instead of being merely blocked, as the NADRA authority has the power to digitally impound CNICs. The Show Cause Notices under Section 18 of the NADRA Ordinance have been issued to Petitioners Nos. 1 and 2, as well as to their father. The Petitioners have a remedy to appear before the District Level Committee and produce the documents prior to 1979 in accordance with the notification dated 19-04-2017. Lastly, it is prayed that the instant writ petition may kindly be dismissed.

5. I have heard the learned counsel for the parties and have also perused the record with their able assistance.

6. Petitioners No.1 & 2's Computerized National Identity Cards have been digitally impounded by the NADRA Authorities by putting them in the category of confirmed aliens. The brother of the Petitioners, namely Asghar Khan, was detected as a confirmed alien during NDW processing, being found a registered Afghan refugee holder of a POR Card; thus, his CNIC was digitally impounded in the alien category. Similarly, during the drive of the amnesty scheme for the surrender of identity documents, another brother of the Petitioners, namely Taoos Khan, himself surrendered his Computerized National Identity Card bearing No.37405-3921296-5 before the NADRA Zonal Headquarters, Sector 10, Street 9, KDA Kohat, due to being a non-national. According to NADRA, the Petitioners are Afghan nationals and they have managed to obtain CNICs by unfair means, by false information, and by posing themselves as citizens of Pakistan. Furthermore, the matter of the Petitioners is pending before the District Level Committee, Rawalpindi, constituted in pursuance of the Notification dated 19.04.2017 issued by the Federal Government.

7. The Petitioners' two brothers, i.e., one brother namely Taoos Khan, surrendered his CNIC before the NADRA Authorities during the drive of the Amnesty Scheme for surrender of identity documents on the ground that he is not a Pakistani citizen, while the other brother, namely Asghar Khan, was detected as a confirmed alien during NDW processing as he was found to be a registered Afghan refugee holder of a POR Card. Therefore, in the circumstances of the present case stated above, the Petitioners are directed to produce the required documents prior to 1979 before the Federal Government under the Pakistan Citizenship Act so that the fate of their CNICs can be resolved. The citizenship right is to be first decided under the Pakistan Citizenship Act, 1951, and if it is found that a person is not a citizen of Pakistan,

then in that case, the NADRA Authorities can impound, cancel, or confiscate the CNIC of such person.

8. The instant Writ Petition stands **disposed of** in the above terms.

(MUHAMMAD AZAM KHAN)
JUDGE

--/Sajid/--