**JUDGMENT SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**

**WRIT PETITION NO.2778 OF 2025**

**MUHAMMAD ALI QURESHI.**

**VS**

**NATIONAL DATABASE AND REGISTRATION AUTHORITY (NADRA).**

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| **Petitioner by** | **:** | **Syed Qamar Hussain Shah Sabwari, Advocate.** |
| **Respondent by** | **:** | **Malik Muhammad Khalid, Law Officer NADRA.** |
| **Date of hearing** | **:** | **29.07.2025** |

**MUHAMMAD AZAM KHAN, J.**

1. Through the instant Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, (hereinafter referred to as the "**Constitution**"), Muhammad Ali Qureshi ("**Petitioner**") seeks declaration to the effect that the action and/or omission of the Respondent in blocking the Petitioner's CNIC is illegal, unlawful, arbitrary, perverse, *void ab initio*, and contrary to the applicable laws, as well as infringement of the fundamental rights of the Petitioner as enshrined in the Constitution. The Petitioner further prays for a direction to the Respondent to immediately unblock his CNIC and restore his citizenship status in accordance with law.

2. The brief facts giving rise to filing the instant Petition are that the Petitioner intended to travel from the United Arab Emirates to Pakistan to face trial in FIR Nos. 32/2009, 25/2010, and 26/2010 registered at FIA Commercial Bank Circle (CBC), Lahore. He discovered that his CNIC had been blocked pursuant to the order dated 26.03.2021, passed by the Special Court (Offences in Banks-I), Lahore, which also directed that his name be placed on the Exit Control List (ECL). On 08.01.2025, the Petitioner submitted an application to the Secretary, Ministry of Interior, seeking removal of his name from the ECL and Passport Control List (PCL). In a meeting held on 10.04.2025, the Cabinet Sub-Committee on ECL directed the representatives of the Federal Investigation Agency (FIA) and the Directorate General of Immigration and Passports to remove his name from the PCL. Consequently, his name was removed from both the ECL and PCL.

However, despite these developments, the Respondent has failed to unblock the Petitioner's CNIC, which is essential for his return to Pakistan. Aggrieved by this inaction, the Petitioner has filed the present writ petition.

3. The learned counsel for the Petitioner argued that the action of blocking the CNIC of the Petitioner and the failure to unblock the same are against the law and facts of the case; that act and/or omission by the Respondent are not only erroneous but are also a blatant violation of the Constitution and the applicable laws; that the impugned action of the Respondent of blocking citizenship of the Petitioner is alien to the scheme of the Constitution, the applicable laws, rules and regulations; that the Respondent has acted in a berserk manner; that the said impugned action of the Respondent has no factual backing particularly in view of the removal of the name of the Petitioner from PCL and ECL; that the superior courts have held that section 18 of National Database and Registration Authority Ordinance, 2001 does not allow blocking/digital impounding of the CNIC of a person to compel him to appear before the court; that the Respondent has blocked the citizenship of the Petitioner without any application of mind and no exercise has been undertaken by the Respondent to right the wrong committed by it; that the act of the Respondent is illegal, invalid, without lawful authority, without jurisdiction and void as they are in negation and contradictory to Section 24-A of the General Clauses Act, 1897 and are against the due process of law as provided under Articles 4, 8, 10A 15, 25 and 175 of the constitution. Lastly, learned counsel prayed for acceptance of instant petition.

4. On the other hand, the learned counsel on behalf of Respondent argued that the CNIC No.3520174644897 of the Petitioner is digitally impounded in NADRA record in compliance of Court order passed by Judge Special Court for Bank Offences Lahore in case No.228 of 2014, FIR No.03/2012 and order dated 26.03.2021 passed in case No.37/2010, FIR No.23/2009 P.S FIA CBC Lahore. He further contended that the Petitioner has a remedy to approach concerned courts of law for clearance of his case.

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

6. After hearing the learned counsel for the parties and examining the material placed on the record, it becomes evident that the core issue in this petition revolves

around the blocking of the Petitioner's CNIC and whether such action can be reviewed and reversed by this Court in Constitutional jurisdiction. The Petitioner has approached this Court under Article 199 of the Constitution, seeking a declaration that the blocking of his CNIC is unlawful and unconstitutional, and further prays for its immediate restoration to enable his return to Pakistan. However, the record and the submissions made by the Respondent indicate that the impugned action was not taken unilaterally by NADRA or any executive authority. Rather, it was carried out specifically in compliance with judicial orders passed by the Special Court (Offences in Banks-I), Lahore, in connection with various criminal proceedings pending against the Petitioner, notably in FIRs No. 03/2012 and 23/2009.

7. It is an established principle of Constitutional Law that where an action by a public authority is taken pursuant to a direction issued by a Court of law, such action cannot be independently challenged in Writ Jurisdiction unless it is first shown that the judicial direction itself suffers from a jurisdictional defect or violates the fundamental rights of the aggrieved person. In the instant case, no such argument has been raised. The Petitioner has neither produced nor challenged the legality or propriety of the orders passed by the Special Court which directed or resulted in the impounding of the CNIC. The Respondent NADRA, therefore, acted merely in compliance with a binding Court order and did not exercise any administrative authority. In other words, the grievance raised by the Petitioner is not against the independent exercise of discretion by NADRA, but against the consequences of judicial proceedings, for which the appropriate remedy lies elsewhere.

8. Furthermore, it is a settled proposition of law that the jurisdiction of this Court under Article 199 is discretionary in nature, and one of the key limitations upon its exercise is the availability of an adequate and efficacious alternative remedy. In the present case, the Special Court (Offences in Banks-I), Lahore, which passed the relevant orders, remains in seisin of the underlying criminal proceedings and has full jurisdiction to entertain an application for variation, clarification, or recall of those orders. The Petitioner's grievance, that the CNIC blockage is now disproportionate or unjustified in light of subsequent developments, such as his removal from the Exit Control List (ECL) and Passport

Control List (PCL), may well form a valid basis for relief, but that relief must be sought before the forum that issued the original directive.

9. In addition, the Petitioner's right to due process under Article 10A of the Constitution does not appear to have been violated by NADRA itself, since there is no allegation that NADRA acted beyond the scope of the Court's instructions or failed to afford procedural safeguards when it otherwise had the authority to act. Rather, the thrust of the Petitioner's case is that NADRA ought to have considered subsequent developments and acted accordingly, but this assumes that NADRA had a choice in the matter. Where a statutory body is bound by judicial orders, it cannot unilaterally vary its conduct without first seeking modification from the Court concerned. To compel NADRA to act contrary to such orders would place it in breach of the principle of judicial obedience, which no public authority is permitted to violate.

10. In view of the above analysis, this Court is of the considered opinion that the instant Petition is not maintainable in the present form. The Petitioner retains the right to seek appropriate relief from the Special Court (Offences in Banks-I), Lahore, which passed the orders leading to the impounding of his CNIC. This Court cannot issue a writ against NADRA directing it to undo a consequence that is traceable to a valid and subsisting judicial order, without first giving the issuing Court an opportunity to consider the Petitioner's plea. Accordingly, the Writ Petition is **dismissed**, leaving the Petitioner at liberty to approach the concerned Court for the relief sought herein.

**(MUHAMMAD AZAM KHAN)**
**JUDGE**

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