

JUDGMENT SHEET
LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

C. R. No. 21451 of 2023

National Database and Registration Authority

VERSUS

Khan Agha and six others

JUDGMENT

Date of Hearing	13.06.2024
Petitioner By:	Mr. Jamil Khan, Advocate
Respondents By:	M/s Shahanshah Shamil Paracha, Malik Muhammad Rashid Akash and Ali Asghar Mian, Advocates
Assisted By:	Mr. Munawar-us-Salam ASC and Mr. Imran Aziz Khan, ASC as <i>Amici Curiae</i>

ABID HUSSAIN CHATTHA, J. This Civil Revision is preferred by the Petitioner / National Database and Registration Authority (the “NADRA”) against Judgment & Decree dated 17.12.2022 passed by Additional District Judge, Ferozewala, whereby, the suit for declaration with consequential relief instituted by the Respondents was decreed as prayed for by reversing Judgment & Decree dated 19.04.2022 passed by Civil Judge, Ferozewala.

2. At the very outset, it is pertinent to mention that the present *lis* relates to citizenship and rights flowing thereunder to obtain and hold Computerized National Identity Card (the “CNIC”) and Passport. In this context, important legal question regarding maintainability of the suit was raised in the light of existence of special laws on the subjects. Hence, some questions were framed on 18.10.2023. Mr. Munawar us Salam and Mr. Imran Aziz, Advocates Supreme Court were appointed as *Amici Curiae* in addition to the learned counsels representing the parties to render due assistance to the Court. The invaluable assistance rendered by all of them is duly acknowledged and appreciated by this Court. The said questions are reproduced as follows:

- i) Whether the sovereign right of the State to confer nationality upon an individual or otherwise can be subject matter of a civil suit or is required to be decided in terms of special laws relating to citizenship?
- ii) Whether the grant or denial of identity documents, such as, CNIC & Passport on the basis of nationality or alien status of a person can be subject matter of a civil suit or falls within the purview of special laws relating to citizenship?
- iii) Whether such a suit as aforesaid is maintainable when the Federal Government was not impleaded as a necessary party?

3. The brief facts of this case are that Respondent No. 1 (the “**Respondent**”) in concert with Respondents No. 2 to 7, who are his wife and children, respectively, instituted a suit for declaration with consequential relief praying that the suit may be decreed in their favour by directing NADRA to restore their CNICs and Passports. Chairman, NADRA and Manager, NADRA Office, G.T. Road, Ferozewala were cited as the only two Defendants. It was claimed in the plaint that the Respondent and his family members are law abiding citizens of Pakistan since their forefathers have been living in Pakistan. Documentary evidence in the shape of B-Forms, birth certificates, property documents, *Nikahnama* of the Respondent with Respondent No. 2, travel history, police clearance certificate, tax record and utility bills testify this fact. All the Respondents were issued CNICs / B-Forms by NADRA, particulars of which were disclosed in the plaint. It was also stated that Passports of some of the Respondents were also made, particulars of which were also disclosed in the plaint. However, CNICs / B-Forms and Passports of the Respondents have been blocked by NADRA without providing an opportunity of hearing and despite being approached, NADRA is not ready to unblock the same. Hence, it was prayed that NADRA be directed to restore CNICs and Passports of the Respondents.

4. NADRA in its written statement raised a number of preliminary objections with respect to maintainability of the suit. On merits, it was stated that CNICs / CRCs were issued by NADRA to the Respondents, however, when Respondent No. 5 applied for CNIC, her application was marked

under UV category due to doubtful citizenship, therefore, NADRA referred details of all the Respondents to Intelligence Bureau for verification of their citizenship but the same could not be confirmed due to non-availability of any documentary evidence. Thereafter, NADRA issued notices under Section 18 of the NADRA Ordinance, 2000 (the “**NADRA Ordinance**”) but the Respondents did not appear before the Regional Revocation Board (the “**Board**”) within stipulated time period, whereafter, their CNICs were digitally impounded by NADRA in alien category. Copies of show cause notices and orders were appended with the written statement. It was also apprised that the Respondent filed W. P. No. 17895 / 2021 and on the direction of this Court, the Respondents appeared before the Board. CNIC of Respondent No. 2 (wife of the Respondent) was cleared on the basis of original MNIC of her father issued in 1974, whereas, CNICs of Respondent’s children (Respondents No. 3-7) were also cleared on the basis of record of Respondent No. 2. Nevertheless, the Respondent could not provide any document regarding himself or his parents prior to 1979 in his favour other than the CNIC of his wife’s father. As such, CNIC of the Respondent was cancelled which, however, can be cleared upon provision of any of the documents in terms of the applicable notification No. 8/37/2016-NADRA dated 19.04.2014 (the “**Notification**”) issued by Ministry of Interior, Government of Pakistan, Islamabad and the Respondent can appear in this behalf with documentary evidence before the Zonal Office of NADRA. The details of the documents were listed in the written statement as follows:

- a) Land Record registered prior to 1979 (Verified by the Revenue Department).
- b) Local Certificate / Domicile prior to 1979 verified by the issuing authority.
- c) Pedigree (Shajra-e-Nasab) issued and verified by the Revenue Department.
- d) Government Employment Certificate of an individual or blood relative (parents / sibling / children) employed prior to 1979.
- e) Verified Educational Certificates prior to 1979.
- f) Passport issued to applicant before 1979.

- g) Any other documents issued by Government of Pakistan prior to 1979 and verified by issuing authority (including Arm License, Driving License or Manual NIC issued prior to 1979).

It was specifically stated that the suit is not maintainable in view of Section 19 of the Pakistan Citizenship Act, 1951 (the “**Citizenship Act**”) which provides that where citizenship of a person is in doubt, whether on a question of law or fact, he will make an application in this behalf to the Federal Government which may grant him a certificate that at the date of the certificate, he is a citizen of Pakistan. Therefore, the suit is not maintainable at this stage before exhausting the remedies provided by law.

5. Out of divergent pleadings of the parties, the Trial Court framed the following issues:

- 1) Whether the plaintiff is entitled to get decree for declaration as prayed for? OPP
- 2) If above issue is proved in affirmative, whether the plaintiff is entitled to a decree for declaration as prayed for? OPP
- 3) Whether the plaintiff has no cause of action to file instant suit? OPD
- 4) Relief.

6. The Trial Court recorded respective oral as well as documentary evidence of the parties and proceeded to dismiss the suit by holding that the Respondent failed to establish his citizenship of Pakistan by not providing any documentary evidence prior to 1979 in terms of the Notification and the Respondent failed to avail alternative remedies under Section 19 of the Citizenship Act and before the Zonal Office of NADRA with respect to his claim of citizenship by provision of any of the documents prior to 1979.

7. Since during pendency of the suit, the grievance of Respondents No. 2 to 7 had been redressed, therefore, only the Respondent preferred an Appeal against decision of the Trial Court. The Appellate Court by reversing the Judgment and Decree of the Trial Court decreed suit of the Respondent as prayed for by merely observing that CNIC of the Respondent was issued on 29.10.2016 after following due process of law, the other family members of the Respondent also held valid identity documents and the Respondent is residing in Pakistan since long which is depicted from the documentary evidence on record.

8. Before proceeding further, the point of limitation is required to be addressed in the first instance. This Civil Revision is barred by limitation by a few days and is accompanied by C.M. 1-C / 2023 which states that delay was caused due to time consumed in seeking formal approval to institute Civil Revision from the competent authority. The said reason is not tenable. Nevertheless, the Judgments under examination are at variance and this Court in exercise of revisional jurisdiction which is supervisory in nature has been called upon to consider as to whether the jurisdiction was rightly or wrongly assumed and exercised in terms of applicable law and whether the Judgments under scrutiny suffer from patent and material illegality or infirmity being *void ab initio* and without jurisdiction. The matter assumes further significance under the peculiar facts and circumstances of the case since the legal authority of the State to confer or deny citizenship vis-a-vis the vital rights and interests of a person claiming citizenship and his entitlement to hold CNIC and Passport are involved. Therefore, it is a fit case to exercise *suo moto* jurisdiction conferred upon this Court under Section 115 of the Code of Civil Procedure, 1908 (the “CPC”) which is, hereby, invoked to override the bar of limitation and the said application is disposed of, accordingly.

9. The pivotal question that requires determination by this Court is as to whether a civil suit for declaration is maintainable in view of the special laws, such as, the Citizenship Act, the NADRA Ordinance, Passports Act, 1974 (the “**Passports Act**”) and the rules, regulations or notifications issued under such laws which govern grant or refusal of citizenship and the rights flowing thereunder including issuance, impounding, cancellation or confiscation of CNICs and Passports. The issue has historical significance in view of the fact that millions of Afghan refugees were let in as refugees into Pakistan on humanitarian grounds after eruption of Afghan-Soviet war in 1979 and during their long stay in Pakistan, many got married, had children, acquired properties, established businesses and obtained identity documents through fake and unverified documents. The scrutiny of claims to citizenship and entitlement to hold identity documents are regulated by the laws cited above in the light of policy framework put in place by the Federal

Government. Therefore, it is pertinent to examine the remedies available to a person in his quest to safeguard such invaluable rights.

10. The Citizenship Act makes provisions for citizenship of Pakistan. It lists in detail the right of a person to claim citizenship and deals with various aspects of citizenship including its grant, renunciation, deprivation and resumption. Under Section 16 of the Citizenship Act, a citizen can be deprived of his citizenship under specific conditions in accordance with the procedure stipulated therein. Section 18 of the Citizenship Act empowers the Federal Government by order to direct that any power conferred upon it or duty imposed on it by the Citizenship Act shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such authority or officer as may be specified. Section 19 of the Citizenship Act deals with cases of doubtful citizenship and stipulates that where a doubt exists with respect to citizenship of a person, whether on question of law or fact, he may make an application in that behalf to the Federal Government which may grant him a certificate that at the date of the certificate, he is a citizen of Pakistan. The certificate, unless it is proved to have been obtained by fraud, false representation or concealment of any material fact, shall be conclusive evidence of the fact recorded in it. Section 23 of the Citizenship Act empowers the Federal Government to frame rules for carrying into effect the provisions of the Citizenship Act. In exercise of such powers, the Pakistan Citizenship Rules, 1952 (the “**Citizenship Rules**”) have been framed which provide a comprehensive mechanism for triggering, determination and enforcement of various rights of a person under the Citizenship Act. Rule 30 thereof provides that the Federal Government may at any time entertain any application, appeal, review or revision application and may cancel, suspend, invalidate, extend or revise any certificate issued under the Citizenship Rules or pass any other orders, it may deem necessary. Thus, it is evident that in recognition of legal right of the State to regulate the question of citizenship of a person, the Federal Government is vested with the jurisdiction to determine citizenship or otherwise of a person in the first instance and appropriate remedies are available to an aggrieved person against an adverse action to approach the Federal Government in that behalf.

11. The Passports Act regulates departure from and entry into Pakistan and visit to foreign countries of citizens of Pakistan and provides for matters ancillary thereto. Section 8 thereof is with respect to power to cancel, impound or confiscate Passports. It provides that a Passport issued by or on behalf of the Federal Government shall be the property of the Federal Government and may, by an order under the hand of a Secretary to the Government of Pakistan, or an officer authorized by the Federal Government in this behalf, be required to be returned and shall also be liable to be cancelled, impounded or confiscated by a like order. The said Section also stipulates procedure in this respect and further grants right to file a review against an adverse order before the Federal Government. Section 11 thereof allows the Federal Government to delegate any of its powers or functions in such circumstances and subject to such conditions, if any, as may be specified in the notification, to any officer or authority subordinate to it or by any Provincial Government or by any officer or authority to such Government. Section 13 thereof empowers the Federal Government to frame rules for carrying out purposes of the Passports Act. The Passports Rules, 2021 prescribe detailed provisions with respect to various aspects of Passports. Rule 23 thereof deals with impounding, confiscation, cancellation and inactivation of Passport. It follows from the above that Passport to a person in Pakistan is issued under the authority of the Federal Government and against an adverse action, remedy in terms of review is available to an aggrieved person.

12. The NADRA Ordinance has been promulgated for the establishment of NADRA to facilitate registration of all persons and the establishment and maintenance of multipurpose databases, data warehouses, networking, interfacing of databases and related facilities. Section 5 thereof deals with the purposes, objects, functions and powers of NADRA. Section 5(4)(b) of the NADRA Ordinance empowers NADRA to issue or renew, or cause to be issued or renewed, to any prescribed class or classes of persons, including citizens, foreigners and emigrants, or to any prescribed class or classes of things, who have got themselves, or who or which have been, registered in the prescribed manner issued cards in the prescribed form and manner and on such criteria and for such period of validity thereof on such

terms and conditions as may be prescribed and may receive applications therefor in the prescribed form. Section 5(4)(f) thereof empowers NADRA to perform any other function and exercise any other power as may be entrusted to or vested in it by the Federal Government which is supplemental, incidental or consequential to any of the aforesaid powers and functions and the objects and purpose of NADRA. Section 8(1) of the NADRA Ordinance provides that the Federal Government may by rules provide for registration of different persons or classes thereof, wherever they may be, including citizens, foreigners and emigrants and for different things or classes thereof, whatever they may be, and along therewith provide for the method of such registration, manner and form of applications to be made therefor, fee or other sum to be charged therefor. Section 9(1) of the NADRA Ordinance mandates that every citizen in or outside from Pakistan who has attained the age of eighteen years shall get himself and a parent or guardian of every citizen who has not attained that age shall, not later than one month after the birth of such citizen, get such citizen registered in accordance with the provisions of the NADRA Ordinance subject to provisos contained therein. According to Section 10 of the NADRA Ordinance, National Identity Cards are issued or renewed to the citizens of Pakistan subject to the conditions stipulated therein. Similarly, NADRA Ordinance also grants power to NADRA regarding issuance of Pakistan Origin Cards, Overseas Identity Cards and Alien Registration Cards subject to conditions prescribed in the relevant provisions thereof. Importantly, Section 18 of the NADRA Ordinance deals with power to cancel, impound or confiscate cards issued thereunder. It provides that a card issued under the NADRA Ordinance shall be the property of the Federal Government and may, by an order in writing under the seal of NADRA or an officer authorized by it in this behalf, be required to be returned and shall also be liable to be cancelled, impounded or confiscated by a like order if there is reason to believe that the card has been obtained by a person not eligible to hold the same by posing himself as eligible; more than one cards have been obtained by the same person on the same eligibility criteria; the particulars shown on the card have been obliterated or tampered with; or the card is forged. The said Section also provides for a right of appeal to the Federal

Government with provision of right of hearing to the aggrieved person. Section 37 of the NADRA Ordinance allows delegation of powers. Sections 44 & 45 thereof empowers the Federal Government and NADRA to make rules and regulations, respectively. Section 46 thereof provides that the provisions of the NADRA Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force. Accordingly, apart from other set of rules and regulations, the National Database and Registration Authority (National Identity Cards) Rules, 2002 and the National Database and Registration Authority (Application for National Identity Cards) Regulations, 2002 have been framed prescribing detailed mechanism to further regulate various provisions of the NADRA Ordinance. Therefore, it is unequivocally manifest that the NADRA Ordinance as a special law deals with all aspects of identity cards and confers remedies and solutions against adverse orders passed in that behalf.

13. There are not two opinions that one of the most indispensable basic rights of an individual is that of citizenship which is the sole and effective bond with the State. This enables the individual to exercise and enjoy all rights guaranteed by the State and entitles him for protection accorded by the State. The significance of such basic right of the individual is evident from the 1948 Universal Declaration of Human Rights. Article 15 thereof provides that “everyone has the right of nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”. Further, rights qua entitlement to Passport and CNIC is subject matter of the Passports Act and the NADRA Ordinance. The conclusion drawn from the conjunctive examination of the aforesaid laws is that specialized laws are in place to deal with all issues regarding citizenship, CNIC and Passport in recognition of legal right of the State to regulate the same. The Federal Government representing the State itself or through its instrumentalities created under the law is vested with the powers to regulate such rights and in the event of an adverse order, the aggrieved person is conferred the right to challenge the same by way of appeal, revision or review, as the case may be, under such laws. Although, the Citizenship Act, the Passports Act and the NADRA Ordinance do not expressly bar the jurisdiction of civil courts yet they impliedly do so by providing self-

contained mechanisms regarding all issues with respect to citizenship, Passports and CNICs, respectively with alternative remedies against adverse orders. This is also the mandate of Section 9 of the CPC which confers plenary jurisdiction on civil courts to “try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred for which a general or special law is in force.” In tandem with the above rule of law is the settled proposition that special laws prevail over general provisions. Therefore, it is imperative that as a normal rule, if a statute creates a right or liability not existing in common law and provides a machinery for enforcing that right, such remedies should be fully exhausted before resorting to the Court of plenary jurisdiction or a constitutional Court, as the case may be, depending upon the facts and circumstances of a particular case, unless the impugned action is inherently without jurisdiction, *coram non judice, void ab initio, ultra vires, mala fide* or illegal. Reliance in this regard is placed on cases titled “West Punjab Government versus Pindi-Jhelum Valley Transport Ltd., Rawalpindi and six others” (**PLD 1953 Lahore 339**) and “Muhammad Siddique (Deceased) through LRs and Others versus Mst. Noor Bibi (Deceased) through LRs and Others” (**2020 SCMR 483**). The same principle was applied in the context of Section 18 of the NADRA Ordinance in cases titled “Najeebullah and others versus Director NADRA, Balochistan, Quetta and others” (**PLD 2016 Balochistan 1**) and “Gul Shereen Bibi versus Federal Government of Pakistan through Secretary Ministry of Interior and 5 others” (**2016 CLC 1928**). Hence, direct resort to a Court of competent jurisdiction or to a constitutional Court in presence of alternate remedies provided by law would ordinarily make the grievance not maintainable.

14. A few relevant cases need to be cited as well. In case titled, “Saeed Abdi Mahmud versus National Database Registration Authority through Chairman and 03 others” (**2018 CLC 1588**), the Court dealt with the case of a person who was denied issuance of CNIC against his claim of citizenship by birth. The Court traced history of the Citizenship Act and opined that any person who is born in Pakistan shall be considered a citizen of Pakistan in terms of Section 4 of the Citizenship Act and his case has to

be considered under Rule 8 of the Citizenship Rules. The Petitioner therein was thus asked to approach the Ministry of Interior, Government of Pakistan which was directed to decide his application, accordingly. However, the Court conspicuously excluded persons who entered Pakistan as refugees by holding that the Citizenship Act does not apply to refugees by relying upon case titled, “Ghulam Sanai versus The Assistant Director, National Registration Office, Peshawar and another” (**PLD 1999 Peshawar 18**) which holds that Afghan refugees are not governed by the Citizenship Act but under the Foreigners Act, 1946. Nevertheless, the issue as to the applicability of the Citizenship Act or the Foreigners Act, 1946 is not in issue in the instant case, as the claim of the Respondent asserted in the plaint is that he is a citizen of Pakistan.

15. The Respondent has placed reliance on two cases that also deserve consideration. In the context of citizenship, it has been held in case titled “Hafiz Hamdullah Saboor versus Government of Pakistan through Secretary Ministry of Interior, Islamabad and 2 others” (**PLD 2021 Islamabad 305**) that the Citizenship Act is a complete self-contained special statute to deal with all matters relating to ‘citizenship’ of the State of Pakistan. It further provides that the competent authority empowered under the Citizenship Act may only deal with issues regarding status of citizenship of a person who has been registered as a citizen and NADRA is bereft of jurisdiction to initiate proceedings on the basis of reports received from intelligence agencies regarding status of citizenship of a person who has been registered as a citizen. Rather, NADRA can, at best, report a case of alleged fraud, misrepresentation or concealment of material facts along with the relevant material, to the competent authority under the Citizenship Act. There is no cavil to the afore-noted proposition. However, facts of the said case are entirely different than that of the case in hand for the reason that birth of the Petitioner therein on 19.10.1968 was not denied, whereas, in the instant case, NADRA had required the Petitioner in terms of Section 18(2) of the NADRA Ordinance read with the Notification to demonstrate that he had not obtained CNIC as an ineligible person by posing himself as eligible. Therefore, a clear remedy was available with the Respondent within the

ambit of the NADRA Ordinance to establish that he had obtained his CNIC as an eligible person. It is only in the event of his inability to establish the same followed by the decision in appeal that case of the Respondent can be taken up by the competent authority under the Citizenship Act or any other applicable law, as the case may be, otherwise there would be nothing for the latter to decide. In other words, once the final determination qua eligibility of the Respondent to hold CNIC by NADRA is made, only then status of the Respondent as ‘citizen’, ‘refugee’ or ‘alien’ would become clear to him with respect to the applicability or otherwise of the Citizenship Act enabling him to have further recourse to appropriate remedy.

16. The second case relied upon by the Respondent is titled, “Mst. Rukhsana Bibi and others versus Government of Pakistan and others” (**PLD 2016 Lahore 857**) which holds that Section 10(2) of the Citizenship Act is discriminatory since it only confers the right to an alien woman married to a Pakistani national to claim citizenship vis-à-vis an alien male migrated to Pakistan and married to a Pakistani woman who is denied such right and as such, the latter is liable to be accorded with the same protection of law. Suffice is to hold that in order to consider the proposition, the Respondent was required to assert that he is not a citizen of Pakistan which is contrary to the stance taken by him in his plaint. Hence, this case is of no help to the Respondent.

17. Reverting to the facts of the case, the Respondent directly instituted a declaratory suit before the Civil Court, although NADRA in plain and clear words had taken the plea that the said suit was not maintainable in view of Section 18 of the NADRA Ordinance and had also provided a clear opportunity to the Respondent to appear before the Zonal Office of NADRA to establish that he has obtained his CNIC as an eligible person by providing any of the documents listed in the Notification. The suit was not maintainable on several counts. Firstly, the Respondent asserted his right to citizenship by birth and by descent and his entitlement to hold CNIC and Passport but failed to implead the Federal Government, the designated officer in terms of the Passports Act and NADRA as an authority as parties to the suit. Rather, the Respondent simply impleaded the functionaries i.e. the Chairman, NADRA and the Manager, NADRA as Defendants. It is

settled law that where the Court considers it necessary that a person ought to have been impleaded has not been made a party, this leads to failure to prove one's case. Reliance in this regard is placed on case titled "Nasrullah Khan and another versus Mst. Khairunnisa and others" (**2020 SCMR 2101**). Moreover, reference is also made to Section 79 of the CPC which provides for the mode and way in which suits by or against the Government be instituted. For reference see case titled "Government of Balochistan, CWPP&H Department and others versus Nawabzada Mir Tariq Hussain Khan Magsi and others" (**2010 SCMR 115**), wherein, it is held that due to non-compliance of the mandatory provisions enumerated in Section 79 of the CPC and Article 174 of the Constitution of the Islamic Republic of Pakistan, 1973, a suit against the functionary is not maintainable.

18. Secondly, after blocking CNICs of the Respondents, NADRA issued notice(s) under Section 18(1) read with Section 17(2) of the NADRA Ordinance for cancellation of CNIC of the Respondent. The Respondent appeared before the Board with required documents listed in the Notification for verification of his eligibility as holder of CNIC where relief was extended to his family members by the Board but denied to the Respondent as he did not provide any of the documents listed in the Notification. Consequently, CNIC of the Respondent was digitally impounded but the said order has not been challenged by the Respondent to date before any forum. This is evident from Paragraph Nos. 6 and 7 of the plaint which restrict the cause of action to blocking of CNICs and erroneously state that the Respondents are left with no other efficacious and alternate remedy to redress their grievance but to invoke the 'constitutional jurisdiction' of the Court.

19. Thirdly, claim of the Respondent is that he is a citizen by birth and decent and as such, entitled to hold CNIC and Passport yet he did not approach the specialized forums prescribed for under the special laws discussed above which were bypassed and he resorted to the Court of ultimate jurisdiction before exhausting such remedies. Hence, it is evident that the suit of the Respondent was not maintainable.

20. Therefore, the Trial Court in terms of alternate remedies provided by the NADRA Ordinance read with the Notification and Section 19 of the Citizenship Act rightly proceeded to dismiss the suit by holding that the documentary evidence brought on record did not establish entitlement of the Petitioner for relief in terms of the criteria prescribed in the Notification. However, the Appellate Court fell in error by decreeing the suit without repelling the reasons of the Trial Court. Hence, it is apparent that the impugned Judgment of the Appellate Court is based on complete misapplication of law, misreading and non-reading of evidence on record and suffers from perversity of reasoning, as such, cannot be sustained.

21. For the reasons recorded above, this Civil Revision is allowed and the impugned Judgment dated 17.12.2022 passed by the Appellate Court is set aside. However, in view of the concession accorded by NADRA, the Respondent is free to avail alternate remedies afresh as provided under the applicable law without bar of limitation within a period of 30 days from the date of this Judgment.

(Abid Hussain Chattha)
Judge

Approved for reporting.

Judge

Announced in open Court on 21.06.2024.

Judge

Waqar