

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. NO.361/2020

Eid Muhammad
Vs

GOP, through Secretary M/O Interior, Islamabad

<i>Serial No. of order/ proceeding</i>	<i>Date of order/ proceedings</i>	Order with signatures of judge, and that of parties or counsel, where necessary.
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16.07.2020

Mr. Arif Majeed, Advocate for the petitioner.
Mr. Nazar Hussain Shah, Assistant Attorney-General,
Syed Junaid Jaffar, Law Officer NADRA.

Through this petition, the petitioner has invoked the jurisdiction of this Court filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer;-

“Under the circumstances, it is humbly prayed that instant writ petition may kindly be accepted and act of the respondents for blockage as well as for non-issuance/reissuance of CNICs of the petitioner may kindly be declare to be as highly condemnable, unlawful, un-constitution and against the fundamental rights granted under Part II of the Constitution of Islamic Republic of Pakistan, 1973 which tainted with malafide even without conduction as well as finalization of the inquiry.

It is further prayed that the respondents may also be directed to re-issue as well as restore CNICs of the petitioner so that they may enjoy normal rights being citizen of Pakistan so that all the correspondence inter-se the petitioner as well as other department particularly the financial institutes such as banks as well as tax departments, may not be prejudiced.

The respondents may also be restrained for summoning the petitioner in their office and causing harassment, undue influence and threats as well as interfering and disturbing whole family of the petitioner particularly student folks, in accordance with law.”

Any other relief, which this august Court deems fit and proper, may also be granted.”

2. Report and parawise comments were called from the respondents vide order dated: 06.02.2020. The same has been received.

3. Learned counsel for the petitioner contended that the CNIC of the petitioner was expired and the petitioner applied for reissuance of CNIC vide Token No.7, Tracking ID No.504771027474 but the NADRA is reluctant to issue the same without any justification and also blocked the same; that the entire family of the petitioner is citizens of Pakistan and residing in Kashmir but the respondents have refused to unblock the CNICs of the petitioner and his family on the ground that the petitioner is not eligible to hold CNICs, as such, the act of the respondents is clearly against the mandate of the constitutional rights provided by the State; that due to the blockage of the CNIC of the petitioner, all the correspondence inter-se the petitioner as well as other departments has been ceased illegally and with malafide intention. He further contended that the act of the respondents is against the principle of natural justice; that no evidence is available with the respondents to declare the petitioner and his family as Afghan Refugees.

4. Conversely, learned AAG submits that the petitioner applied for issuance of CNIC vide TID No.504771027474 and the concerned officer of the NADRA recommended for verification of particulars of the petitioner through Government Agency i.e I.B, vide letter dated 02.12.2015 and it was reported that petitioner's family is Afghan National, as such, a show cause notice under Section 18 of the NADRA Ordinance, 2000 was served to the petitioner and his family to appear before the NADRA Verification Board along with all documents, but he failed to do so, as such, he is not entitled for any discretionary relief and this petition is liable to be dismissed.

5. Arguments heard, record perused.

6. Perusal of the record reveals that the petitioner applied for issuance of CNIC vide TID No.504771027474 as their previous CNICs were expired. It further

transpires from the record that the NADRA officer recommended the case of the petitioner and his family for verification of their particulars through Government Agency vide letter dated 02.12.2015 and after due verification it was reported that petitioner's family is Afghan National. Thereafter, on 18.07.2017, a show cause notice was issued to the petitioner and his family, under Section 18 of the National Database and Registration Authority Ordinance, 2000 to appear before the NADRA Verification Board along with all documents, but he did not appear. Record further shows that father of the petitioner earlier filed a Writ Petition No.3760/2016 before this Court, whereby the CNICs of the petitioner family were temporarily restored but their case was forwarded to the Zonal Office Mirpur in the light of Notification dated 19.04.2017. Despite repeated telephonic calls, the petitioner failed to join the proceedings before the said Board for redressal of his grievance.

7. Furthermore, under Section 18 of the National Database and Registration Authority Ordinance, 2000, the petitioner has alternate remedy of appeal against the final order of the respondents before the Federal Government but the petitioner has not availed the said remedy. When confronted with the above alternate remedy available to the petitioner, at this stage, learned counsel for the petitioner submits that he would be satisfied if a direction is issued to the respondents to provide an opportunity of hearing to the petitioner at their Zonal Office, Mirpur.

8. The request of learned counsel for the petitioner seems to be justified. Therefore, the petitioner is directed to appear before respondents at their Zonal Office Mirpur, within two weeks from today, along with all the relevant documents and copy of this order, the respondents shall hear the petitioner and decide the matter preferably within a period of one month after receipt of this order.

9. In view of the above direction, this petition stands disposed of.

**~~(GHULAM AZAM QAMBRANI)~~
JUDGE**

S.Akhtar