**JUDGMENT SHEET.**

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

**WRIT PETITION NO. 405/2025**

**MUHAMMAD IQBAL**

**VS**

**FEDERATION OF PAKISTAN, ETC.**

**Petitioner by : Taimoor Zafar, Advocate.**

**Respondents by : Raja Zamir ud Din Ahmed, Assistant Attorney General. Mr. Wesley, Deputy Assistant Director, Passport and Immigration, FIA, Islamabad.**

**Date of hearing : 19.02.2025**

**MUHAMMAD AZAM KHAN, J.**

**1.** Through this Petition, the Petitioner seeks direction to the Respondents to unblock the Petitioner's Passport bearing No. YF1333901, tracking No. 14401487394, Booklet No. G2222158 **("Subject Passport")** issued on 18.05.2024.

**2.** Facts of the instant petition are that the Petitioner applied for the Passport in the office of the Respondent No. 4 [Director General, Passport and Immigration, Islamabad] and the Respondent No. 4 issued the Subject Passport to the Petitioner on 18.05.2021. On 25.01.2025, the Petitioner was about to travel abroad when he was stopped at the airport by officials from Respondent Nos. 2 and 3, the Federal Investigation Agency (FIA). The officials informed him that he could not travel as his passport has been blocked by the FIA because his name was on the blacklist. The Petitioner submitted an application to the Respondent No. 3 [Additional Director General (Immigration), FIA, Islamabad] requesting the unblocking of his Passport. However, despite making several repeated requests to the Respondent No. 3 for the Subject Passport to be unblocked, his efforts were unsuccessful which led to the filing of this Petition.

**3.** The learned counsel for the Petitioner argued that the impugned act of the Respondents is unlawful and in violation of the principles of natural justice. The Petitioner made several attempts to approach the offices of Respondents Nos. 2 and 3 and submitted application seeking redressal of his grievance, but the

Respondents ignored them. Furthermore, the counsel asserted that the action taken by the Respondents was imposed deliberately, which constitutes a clear breach of natural justice.

**4.** On the other hand, the learned Assistant Attorney General, assisted by the Deputy Assistant Director, Passport and Immigration, FIA, Islamabad opposed the arguments presented by the learned counsel for the Petitioner. The Respondents submitted a copy of Letter dated 31.12.2024, issued by the office of the Director, Federal Investigation Agency, Balochistan Zone, Quetta, which outlines specific reasons for placing the Petitioner's name on the blacklist. In light of said Letter, the Respondents requested that the instant petition be dismissed.

**5.** Arguments heard, record perused.

**6.** The Report submitted on behalf of the Respondents No. 2 and 3 reveals that, according to a Report dated 11.02.2025 from the Assistant Director, Analysis and Stop List/IBMS, FIA the Petitioner's name has been placed on the Passport Control List (PCL) based on the recommendation of the FIA Balochistan Zone, Quetta communicated vide Letter No. DBZ/FIA/QTA/F-56/2024/4736-42, dated 31.12.2024, due to the Petitioner's deportation. The reason provided indicates that the Petitioner was deported by the Iranian government in the year 2021 due to illegal stay. However, the Petitioner now holds a valid visa for Oman and intends to travel there for employment purposes. When he approached the FIA counter on 25.01.2025, he was stopped at the airport by officials from Respondents Nos. 2 and 3. After an inquiry, he was informed that he could not travel abroad as his passport had been blocked.

**7.** The Petitioner was not given any notice when his name was placed on the PCL. Furthermore, according to Rule 22 of the Passports Rules, 2021 **("Passport Rules")**, it is the Federal Government that holds the authority to regulate departure from and entry into Pakistan. The concerned Division and Directorate General are responsible for preparing and maintaining the PCL for placing names and maintaining records of individuals. The Federal Government, which consists of the Prime Minister and the Cabinet, exercises this power. The relevant portion of Rule 22 of the Passports Rules is reproduced herein below:-

> *"22.* ***Passport Control List.****—(1) Federal Government is vested with the powers to regulate the departure from and entry into Pakistan and also visit to foreign countries of its citizens under the Act.*

*(2) The Division concerned and Directorate General shall prepare and maintain a PCL for placement of names and other record of individuals who have been refused passport facilities under these rules under category 'A' and 'B' respectively with the following description, namely:-*

*(a) under category 'A', the names of those persons are placed who are involved in anti-state activities or whose visit to foreign countries is considered to be prejudicial to the State interest or, whose visit abroad is banned from security point of view. The names in this list shall be placed and removed by the Additional Secretary of the Division concerned;*

*(b) under category 'B', the names of those persons are placed who have been refused passport under these rules other than anti-state activities specified in clause (a). The names of persons included in the category under this clause may also be placed on the recommendations of government agencies or departments;*

*(c) normal period of retaining a person on the PCL is five years. However, a person may be kept on PCL even beyond five years provided the referring department or agency recommends for further retention having full justification in this regard. The Additional Secretary of the Division concerned in case of category 'A' and Director General in case of category 'B' may consider omission of name of any person from such list on appeal even before the normal period of five years; and*

*(d) both the categories 'A' and 'B' are subject to periodical review by a Review Committee under sub-rule (3) in consultation with the relevant agency or department on whose recommendations the individual was placed on PCL, and…"*

**8.** Furthermore, Article 15 of the Constitution guarantees as under:-

"*Every citizen shall have the right to remain in, and, subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof."*

**9.** According to principle of law laid down by the Supreme Court of Pakistan in case titled *Messrs Mustafa Impex, Karachi and others Vs. The Government of Pakistan through Secretary Finance, Islamabad and others*, **PLD 2016 SC 808**, whenever a power is conferred on the Federal Government it is construed as a power given to the Prime Minister and the Federal Ministers/Cabinet to be exercised in the name of Federal Government. Reliance in this regard is also placed on the law laid down by the superior Courts of Pakistan in following cases:-

i. *Controller General of Accounts Vs. Fazil Ahmad, DAO EC (C&W Division Hangu) and others", **(2021 SCMR 800);***
ii. *"Government of Sindh through Secretary Health Department and others Vs. Dr. Nadeem Rizvi and others", **(2020 SCMR 1);***
iii. *Dr. Shireen M. Mazari Vs. Federation of Pakistan", **(2024 MLD 1020 Islamabad);** and*

*iv.* *Faisal Maqbool Sheikh Vs. Federation of Pakistan, (***Writ Petition No. 2141 of 2023).**

**10.** The Petitioner's name was placed on PCL based on the recommendation of the Federation Investigation Agency, Balochistan Zone, Quetta through Letter dated 31.12.2024, due to being deported by Iranian government.

**11.** Nothing has been placed on record to indicate that the Federal Government granted approval for placing the Petitioner's name on the PCL, as required by Rule 22(1) of the Passports Rules. Consequently, the inclusion of the Petitioner's name on the PCL violates his fundamental rights to due process, liberty, life, and freedom of movement, all of which are guaranteed by the Constitution. It is a well-established principle of law that when the law mandates a particular thing to be done in a particular manner, it had to be done accordingly, otherwise, it constitutes non-compliance with the legislative intent. In this regard reliance is placed upon *Dr. Shireen M. Mazari Versus FOP etc.,* **2024 MLD 1020**, *Rasikh Ellahi Versus FOP etc.,* **2024 YLR 2616**, *Tariq Shafi Versus FOP etc.,* **W.P. No. 224/2024** , *Faisal Maqbool Sheikh Versus FOP etc.,* **WP 2141/2023**, *Fawad Ahmed Versus FOP etc.,* **WP 2129/2024**, *Sadaf Sharjeel Versus NAB etc.,* **2022 YLR 2441**, *Farah Mazhar Versus FOP etc.,* **PLD 2022 Lahore 119**, *Syed Zulfiqar Abbas Bukhari Versus FOP etc.,* **PLD 2019 Islamabad 316**, *Dr. Joseph Wilson Versus FOP etc.,* **2017 PCrLJ 1569**, *Mahboob Ali Abro Versus Ayan Ali etc.,* **2016 PSC 938** *and Sohail Latif etc. Versus FOP etc.,* **PLD 2008 Lahore 341**.

**12.** Based on the foregoing discussion, the present Writ Petition is hereby **allowed** and the Respondents are directed to remove the Petitioner's name from the PCL forthwith. As such there is no valid justification for placing the Petitioner's name on the PCL as the Petitioner is a poor man who has every right to travel to Oman on a valid visa for employment purposes.

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

Sajid/--

***Approved for Reporting***
***Blue Slip added.***