JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO.553 OF 2025

RAJA KAMRAN.

VS

FEDERATION OF PAKISTAN, ETC.

Petitioner by : Mian Raheel Aslam, Advocate for the Petitioner.

Respondents by : Raja Zamir ud Din Ahmed, Assistant Attorney General.
Mr. Majid Niazi, Assistant Director FIA.
Mr. Kamran Shaukat, Assistant Director (Immigration), FIA.

Date of hearing : 18.02.2025

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"),** the Petitioner has prayed for issuance of direction to the respondents to remove his name from the black list.

2. The brief facts giving rise to filing the instant Petition are that the Petitioner intended to travel abroad to perform Umrah and in this connection, a Visa and Air Ticket were issued to him for travel from Islamabad to Jeddah on 09.01.2025. On the date fixed, when the Petitioner approached the Islamabad Airport, the Immigration Counter Staff did not allow him to travel from Islamabad to Jeddah and said that his name is mentioned in Exit Control List **("ECL")** and stamp was issued in this regard. Subsequently, the Petitioner contacted Respondents Nos. 2 and 3 to inquire about the inclusion of his name in the ECL, PCL, or any other list. However, his name was not found on any of these lists. Hence, the Petitioner preferred the instant Writ Petition.

3. The learned counsel for the Petitioner argued that the Respondents Nos. 2 and 3, without any lawful authority or justification, are obstructing the smooth and lawful performance of his sacred journey; that the validity of the petitioner's Visa is only for three months, and if this Court did not take the cognizance of the matter, the Petitioner shall suffer an irreparable loss and injury; that the Petitioner is being

treated in a discriminatory fashion and thus the guarantee provided by the Constitution that every person should be treated equally and no person shall be treated in a discriminatory fashion, is being ruthlessly violated by the Respondents; and that the Petitioner is left with no other efficacious, alternative and speedy remedy except to invoke the Constitutional Jurisdiction of this Court. In the last, the learned counsel requested that the instant Writ Petition may kindly be accepted and the Respondents may kindly be directed to remove the name of the Petitioner from the "Black List" with immediate effect, so that he be allowed to travel from Islamabad to Jeddah to perform Umrah in the interest of justice, equity and fair play.

4. On the other hand, the learned Assistant Attorney General along with Assistant Director, F.I.A and Assistant Director (Immigration) F.I.A, appeared and submitted Report on behalf of the Respondent No. 3/F.I.A through Director General. The Report reveals that as per Report dated 14.2.2025 of Assistant Director, Analysis & Stop List, Integrated Border Management System (IBMS), FIA Headquarters Islamabad, there is no record found in any category of stop list against the name of the Petitioner. The Report of Kamran Shaukat Tst, Assistant Director F.I.A Immigration IIAP, Islamabad dated 17.02.2025 reveals that on 09.01.2025, the Petitioner was travelling from Islamabad to Jeddah by Serene Air for the performance of Umrah and the Petitioner was offloaded due to insufficient funds, lack of paid hotel vouchers and suspicious travel history. The Report further reveals that the Petitioner had previously been deported on 21.07.2012, for which he could not provide satisfactory explanation regarding past travel record of illegal immigration as he has no departure record in IBMS System. The Petitioner name is neither in ECL nor in Stop List but offloaded due to the abovementioned reasons and this office has got no objection on his travel if he fulfills the above said requirements.

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

6. In light of the reply submitted by Muhammad Riaz, Assistant Director (Legal), FIA Headquarters, Islamabad, and Kamran Shaukat Tst, Assistant Director FIA Immigration IIAP, Islamabad, it has been confirmed that the Petitioner's name is neither in the ECL nor in the Stop List but he was offloaded due to insufficient

funds, lack of paid hotel vouchers, and a suspicious travel history, therefore, the Respondents are hereby restrained from preventing the Petitioner from traveling to Saudi Arabia for the purpose of performing Umrah, subject to his furnishing proof of sufficient funds, paid hotel vouchers, and other necessary lawful requirements to demonstrate the legitimacy of his travel for this religious obligation. Even otherwise the said documents are crucial to ensure no negative reputation is cast upon Pakistan. With these observations the present Writ Petition is **allowed**.

(MUHAMMAD AZAM KHAN)
JUDGE

Sajid/--