JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.653/2025

Afzaal Ahmed

Versus

Federation of Pakistan through Secretary of Interior, Islamabad, etc.

Petitioner by: Mr. Khan Mulk Tarar, Advocate.

Respondents by: Mr. Sarfraz Rauf, learned Assistant Attorney General.

Date of Decision: 14.04.2025.

KHADIM HUSSAIN SOOMRO, J: Through this writ petition, the petitioner seeks the following reliefs:-

a) Declare the blacklisting o*f the petitioner's passport as illegal, unconstitutional, and without lawful authority.*
b) *Direct the respondents to remove the petitioner's name from the blacklist/passport control list forthwith.*
c) *Restrain the respondents from imposing any unlawful travel restrictions on the petitioner in the future.*
d) *Grant any other relief which this Honorable court deems fit and proper.*

2. At the very outset, the learned counsel for the petitioner submits that the petitioner was booked in case FIR No. 275 of 2011, subsequently, the petitioner joined the trial, however, due to the non-availability of the star witness, the learned trial court was pleased to adjourn the matter as *sine die* and petitioner was released on bail. He

further submits that the petitioner is not an absconder, but the respondent, by misusing and abusing the process of law, blocked the passport of the petitioner.

3. Learned Assistant Attorney General submits that the instant petition is not maintainable in light of the fact that the present petitioner has also an alternate efficacious remedy in the matter to approach the Review Committee constituted under Rule 22(3)(b) of the Passports Rules, 2021, by the Directorate General of Immigration & Passports, Islamabad for removing his name from PCL.

4. I have heard the arguments of learned counsels for the parties and meticulously perused the record with their able assistance.

5. The record reveals that the Passport of the petitioner has been blacklisted against which the petitioner has filed an application before the respondent No.3, which is available at page No.15 of the Court's file. The petitioner in para No.06 of the petition states that he has filed an appeal before respondent No.3, but neither the notice was issued nor he was provided an opportunity of hearing, hence he has invoked the writ jurisdiction of this Court.

6. The writ jurisdiction of the High Court, being an extraordinary remedy, cannot be invoked as a panacea for all grievances, particularly where an equally efficacious, alternate, and adequate statutory remedy exists. The doctrine of exhaustion of remedies operates as a jurisdictional bar, precluding litigant from resorting to constitutional remedies under Article 199 of the Constitution without first availing themselves of the statutory mechanisms expressly provided by law. The underlying rationale of this doctrine is to prevent litigants from circumventing established statutory frameworks, thereby ensuring that the extraordinary writ jurisdiction of the High Court is not diluted into an ordinary appellate forum. This principle has been unequivocally affirmed by the Apex Court in *Dr. Sher Afgan Khan Niazi v. Ali S. Habib and others* (2011 SCMR 1813), wherein it was held that the term 'adequate remedy' signifies a remedy that is not merely theoretical but is, in fact, efficacious, expeditious, convenient, and effectual in redressing the aggrieved party's grievance. Thus, the discretionary exercise of writ jurisdiction must remain an exception rather than the rule, reserved only for cases where no equally effective alternative exists. It was further held that superior courts must refrain from adjudicating disputed questions of fact

that necessitate evidentiary inquiry. This principle, firmly entrenched in judicial discipline, ensures that constitutional courts exercising extraordinary jurisdiction do not assume the role of fact-finding tribunals. The rationale underlying this restraint is to preserve the integrity of specialized statutory forums vested with the competence to examine factual controversies through proper evidentiary procedures. This position finds unequivocal affirmation in *State Life Insurance Corporation of Pakistan v. Pakistan Tobacco Co. Ltd.*, (PLD 1983 SC 280), wherein Supreme Court emphasized that writ jurisdiction, being discretionary and extraordinary in nature, cannot be invoked to supplant statutory mechanisms designed for the resolution of factual disputes requiring the examination of evidence.

7. The adequacy of an alternate remedy under Article 199 of the Constitution hinges on two core considerations: substantive sufficiency and comparative efficacy. A remedy cannot be deemed adequate if it fails to provide relief matching the nature and extent of the grievance. Where the remedy is prima facie sufficient, the comparison of the statutory mechanism and procedural efficiency (speed, cost, accessibility) against writ

jurisdiction, while disregarding any artificial advantages created by improperly substituting constitutional remedies for statutory processes.

8. The "doctrine of Exception" in constitutional intervention remains permissible in two scenarios: (1) structural absence or substantive nullity of alternative remedies, or (2) extraordinary circumstances where normally adequate remedies prove insufficient due to case-specific factors. This exception doctrine operates as a narrowly tailored safety valve, requiring compelling justification to prevent abuse while ensuring access to justice when statutory channels fundamentally fail.

9. Where the statutory procedure for obtaining relief proves unduly cumbersome, or where the attendant delay and expense would either render the ultimate remedy ineffective or defeat its very purpose, then exercise of extraordinary writ jurisdiction under Article 199 of the Constitution can be invoked.

10. In view of the above, the instant writ petition is **disposed of** with a direction to respondent No.3 to decide the application of the petitioner in accordance with the aforesaid rules, preferably within thirty (30) days from the date of receipt of this order and submit compliance report

for perusal in Chambers. The Office is directed to transmit this order and a copy of the application available at page 15 of the petition to respondent No.3 for compliance.

(KHADIM HUSSAIN SOOMRO)
JUDGE

APPROVED FOR REPORTING

Niqab