JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

WRIT PETITION. NO. 843 OF 2025

WAHID ULLAH

VS

FEDERAL INVESTIGATION AGENCY, ISLAMABAD, ETC.

Petitioner by	**:**	**Mr. Arqam Arshad and Mr. Harris Shujah Minhas, Advocates.**
Respondents by	**:**	**Raja Zamir ud Din Ahmed, AAG.**
Date of hearing	**:**	**18.04.2025**

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 **"Constitution"**), the Petitioner [Wahid Ullah] seeks issuance of direction to the Respondents to unblock his Passport No. HF2740613.

2. The Petitioner's counsel contended that the Petitioner is a citizen of Pakistan and holds a valid Passport No.HF2740613; that the Petitioner's Passport was blocked by the Respondents without assigning any reason; that the Petitioner has not been served with any notice or order regarding the blocking of passport; that the Petitioner is an employee in Qatar and on his return to Pakistan, he came to know that his Passport has been blocked and now he is unable to proceed back to Qatar to continue his job; that the Petitioner has a job offer in a foreign country and needs to travel abroad urgently; that the Petitioner has approached Respondent No. 1 [Director General, Federal Investigation Agency (FIA)] for unblocking the Passport but to no avail and Respondent No. 1 sent the Petitioner to Respondent No. 2 [Secretary, Ministry of Interior, Islamabad] for unblocking of his Passport but of no avail; that the Respondents have failed to perform their statutory duty in unblocking the Passport of the Petitioner.

3. On the other hand, the learned Assistant Attorney General, opposed the arguments presented by the learned counsel for the Petitioner. He argued that the

instant Writ Petition is not maintainable as the Petitioner's application for removing his name from blacklist, is pending before Respondent No. 2. Lastly, he prayed that the instant Petition be dismissed.

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

5. The application submitted by the Petitioner to Respondent No. 2 reveals that, on return from Qatar to Peshawar Airport on 14.02.2025, he was stopped by F.I.A and informed that his name is on Blacklist and he should get clear his data from F.I.A Headquarter. He approached FIA for unblocking of his Passport, but he was referred to Respondent No. 2, but to no avail.

6. The Petitioner was not given any notice when his Passport was blocked. 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 Passport Control List 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;*
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> *(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…"

7. 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."*

8. According to the principle of law laid down by the Supreme Court of Pakistan in the case titled *Messrs Mustafa Impex, Karachi and others Vs. The Government of Pakistan through Secretary Finance, Islamabad and others*, reported as **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).***

9. Blocking of the Petitioner's Passport 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 has 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**.

10. As such, there is no valid justification for blocking the Petitioner's Passport, as the Petitioner is a poor man who has every right to travel to Qatar on a valid visa for employment purposes.

11. Based on the foregoing discussion, the present Writ Petition is hereby **allowed**, and the Respondents are directed to unblock the Petitioner's Passport bearing No.HF2740613 forthwith.

(MUHAMMAD AZAM KHAN)
JUDGE

Sajid/--