

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-3950 of 2024
(Tahira Khatoon & others versus Federation of Pakistan & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Abdul Mobeen Lakho

Date of hearing and order: 22.1.2026

Mr. Abdul Jabbar Rajper advocate for the petitioners
Ms. Mehreen Ibrahim DAG

O R D E R

Adnan-ul-Karim Memon, J. The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. *To allow the petition with direction to the Respondent No.3 for the cancellation of their duplicate passports issued to them in error. This will ensure that only one valid passport remain in their names and prevent any misuse or confusion.*
- b. *To allow the petition with direction to the Respondent No.3 to act in accordance with law and notify the relevant passport authorities of the error, the illegal occupation of the passports, and the actions taken to rectify it. This will ensure that their passport record are accurate and up-to-date and that the illegally occupied passport be returned to petitioners promptly.*
- c. *To direct the Respondent No.2 to direct concerned officials posted in South Africa foreign office to renew their passports and to allow the petitioners to visit their home land Pakistan.*
- d. *To direct the respondent No.7 to delete their names from black list if any.*

2. The case of the petitioners is that they are citizens of Pakistan, permanent residents of Karachi, and firm adherents of the Constitution and the rule of law. It is stated that Respondent No.3, the Directorate General of Immigration & Passports, has been established under the Passport Act, 1974, and the rules framed thereunder, for the regulation of travel documents, whereas Respondents No.5 and 6, functioning under Respondent No.1, operate within their respective territorial jurisdictions. It is further submitted that Mst. Tahira Khatoon is the mother of Mst. Sonia and the maternal grandmother of the minor Muhammad Bin. Mst. Tahira Khatoon and Mst. Sonia resided in Johannesburg, South Africa, for approximately eighteen years along with their respective husbands, and the minor was born in South Africa. During a visit to Pakistan, the petitioners applied for computerized passports. Due to an error on the part of the passport authorities, fresh passports were issued without properly canceling the previously issued computerized passports, even though the petitioners had never received or possessed duplicate passports. On 29.01.2015, while attempting to return to South Africa, their passports were confiscated at Karachi Airport on the allegation of holding two passports, and they were directed to approach the FIA, Saddar, Karachi. Despite repeated visits, the passports were not returned, compelling the

petitioners to file CP D-233/2016. Subsequently, fresh passports were issued after correction of the records, allowing the petitioners to travel lawfully to South Africa. The said petition was later dismissed for non-prosecution on 06.12.2021, as the grievance had already been addressed. However, upon applying for renewal of passports in South Africa, the petitioners were informed that the issue of duplicate passports still existed in the official records. As a result, their renewal applications were refused, causing them considerable hardship and apprehension of potential unlawful legal action. Despite repeated approaches, including a legal notice dated 04.05.2024, the respondents have failed to rectify the matter.

3. Learned counsel for the petitioners submitted that the issuance of duplicate passports occurred due to the negligence of passport authorities and not due to any fault or misrepresentation on part of the petitioners. That the petitioners never possessed two valid passports simultaneously, nor attempted to obtain the same. That, the Passport Act does not authorize blacklisting of citizens in the present circumstances without due process. The petitioners have no alternate efficacious remedy except to invoke constitutional jurisdiction under Article 199 of the Constitution.

4. Learned DAG submitted that the petitioners' names were placed on the Passport Control List (PCL) on 31.12.2014 based on the recommendations of a security agency, in accordance with Rules 21 and 22(2)(b) of the Passport Rules, 2021. It was further submitted that a request for fresh recommendations regarding the removal of the petitioners' names from the PCL was forwarded to the concerned security agency on 10.12.2024, and that any removal from the list is contingent upon receipt of such recommendations. In view of the above, he prayed that this petition may be dismissed.

5. In view of the foregoing, it is noticed that petitioners have suffered undue hardship due to administrative errors beyond their control. The issuance of duplicate passports arose solely due to negligence on the part of the passport authorities, and at no stage did the petitioners possess or attempt to possess two valid passports simultaneously. The continued reflection of duplicate passports in official records has directly resulted in the refusal of passport renewals, thereby restricting the petitioners' lawful right to travel and causing unnecessary legal and personal hardships. The respondents, despite repeated approaches by the petitioners, including formal legal notice dated 04.05.2024, have failed to take timely corrective action, which has compounded the grievance.

6. It is further noted that the Petitioners' inclusion on the Passport Control List (PCL) is dependent on recommendations from a security agency, and while the respondents may await such recommendations, the petitioners' fundamental

right to travel and lawful issuance of passports cannot be held in abeyance indefinitely due to procedural delays. The Passport Act, 1974, does not authorize the arbitrary blacklisting of citizens without due process. Therefore, in the interest of justice and to prevent continued hardship and violation of fundamental rights, this Court deem it proper to direct the competent authority that the petitioners' names needs to be immediately reviewed and, if appropriate, removed from the Passport Control List (PCL). The relevant passport records should be corrected to reflect the lawful issuance of passports and remove any reference to duplicate passports. The respondents are directed to facilitate the issuance and renewal of passports without delay, ensuring the petitioners can exercise their lawful right to travel; and any further administrative action should be taken in accordance with law, with due process, and without causing prejudice to the petitioners.

7. This petition along with pending application(s) stands disposed of in the above terms.

JUDGE

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