

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-5238 of 2025
[Abid Raza V. Federation of Pakistan and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 12.03.2026

Mr. Faizullah Mallano, Advocate for the Petitioner.

Ms. Wajiha Mahdi, D.A.G.
Insp. Jamal Saeed, FIA JIAP, Karachi.
ASI Syed Rizwan Shah, PS FIA AHTC.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner Abid Raza has filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- a.** *Declare that the continued retention of the Petitioner's name on the Passport Control List (PCL) and the blockage of his Pakistani passport are illegal, without lawful authority, arbitrary, and violative of the fundamental rights guaranteed under Articles 4, 9, 15, and 18 of the Constitution of the Islamic Republic of Pakistan, 1973;*
- b.** *Direct the Respondent Nos. 2 and 3 to forthwith remove the Petitioner's name from the Passport Control List (PCL) and unblock his Pakistani passport;*
- c.** *Direct the Respondent No. 4 to take immediate steps for updating their records and facilitating the removal of the Petitioner's name from the Passport Control List (PCL) and*

2. Learned counsel for the petitioner submits that the petitioner, who is a citizen of Pakistan and resident of Faisalabad, has been unlawfully deprived of his constitutional right to travel due to the continued blocking of his passport and retention of his name on the Passport Control List (PCL). It is contended that the petitioner had intended to travel to Greece for employment and, in that process, became a victim of a fraudulent travel agent who obtained Rs. 22,50,000/- from him on the pretext of arranging lawful overseas employment and provided forged documents. He submitted that the petitioner departed from Sialkot on 26.04.2024; however, during transit at Istanbul, Turkish authorities detected the fake residency stamp and deported him back to Pakistan. Counsel submits that thereafter FIR No. 88 of 2024 was registered by the FIA under the provisions of the Emigration Ordinance, 1979, and relevant sections of the Pakistan Penal Code. The matter proceeded before the Special Judge (Central), where the petitioner pleaded guilty and was convicted vide judgment dated 07.05.2024. It is emphasized that the petitioner has already undergone the sentence imposed by the trial Court and has fulfilled all legal obligations. Learned counsel argues that despite completion of the sentence, the petitioner's name continues to remain on the PCL, and his passport

remains blocked without any lawful authority. The petitioner also approached the concerned authorities through written representations requesting the removal of his name from the PCL and restoration of his passport, but no action has been taken. It is submitted that such inaction on the part of the respondents is arbitrary and violative of the petitioner's fundamental rights guaranteed under Articles 4, 9, 15, and 18 of the Constitution, as the petitioner cannot be subjected to continued restrictions once he has served the sentence awarded by a competent court. According to counsel, the continued blockage of the passport amounts to an unjustified restraint on the petitioner's liberty, freedom of movement, and right to livelihood. Learned counsel therefore prays that this Court may declare the continued retention of the petitioner's name on the Passport Control List and blockage of his passport as illegal and direct the concerned authorities to remove his name from the PCL and restore his passport in accordance with law.

3. Learned Assistant Attorney General (AAG) appearing on behalf of the respondents, without filing comments, controverts the submissions made by the learned counsel for the petitioner and submits that the present petition is misconceived and not maintainable under the law. He contends that the petitioner was duly convicted by the competent Court in connection with an offence under the provisions of the Emigration Ordinance, 1979, and relevant sections of the Pakistan Penal Code after voluntarily pleading guilty before the trial Court. Learned AAG submits that the inclusion of the petitioner's name in the Passport Control List (PCL) and the consequent blocking of his passport were a lawful administrative action taken in accordance with the applicable immigration and passport regulations, keeping in view the nature of the offence committed by the petitioner relating to illegal emigration and use of forged documents. He further argues that merely because the petitioner has undergone the sentence awarded by the trial Court does not automatically entitle him to restoration of passport facilities or removal of his name from the PCL. According to the learned AAG, such matters fall within the administrative domain of the competent authorities, including the Directorate General of Immigration and Passports and the Federal Investigation Agency, which are empowered to regulate issuance, suspension, and restoration of passports in the interest of public policy, national security, and prevention of illegal emigration. The learned AAG also submits that the placement of a person's name on the PCL is a preventive measure adopted to monitor individuals previously involved in offences relating to illegal emigration and human trafficking, and such action cannot be termed arbitrary or unlawful unless it is shown that the authorities acted without jurisdiction or in violation of statutory provisions. It is further contended that the petitioner has an adequate and alternate remedy available under the relevant passport and immigration laws for seeking removal of his name from the PCL through the competent administrative forums, and therefore, the

constitutional jurisdiction of this Court under Article 199 of the Constitution has been prematurely invoked. Learned AAG therefore prays that the instant petition is liable to be dismissed, being devoid of merit, as the impugned actions of the respondents were taken strictly in accordance with law and in the larger interest of regulating unlawful migration and safeguarding the integrity of the national passport system.

4. After hearing the learned counsel for the parties and examining the material available on record, it appears that the grievance of the petitioner primarily relates to the continued retention of his name on the Passport Control List (PCL) and blockage of his passport even though he has already undergone the sentence awarded by the learned trial Court.

5. At the same time, the stance of the respondents, as articulated by the learned Assistant Attorney General, is that such matters fall within the administrative domain of the competent authorities regulating passports and immigration and are required to be examined in accordance with the relevant statutory framework.

6. In these circumstances, and without expressing any opinion on the merits of the controversy, this Court considers it appropriate that the matter be examined by the competent authority of the respondents under the relevant provisions of the law. Accordingly, the competent authority of the respondents is directed to consider the case of the petitioner, afford him an opportunity of hearing, and examine all relevant aspects of the matter in accordance with the applicable statutory provisions governing passports and immigration. Thereafter, the competent authority shall pass a speaking order, supported by reasons and lawful justification, strictly in accordance with the law and without discrimination. The said exercise shall be undertaken within a period of one month from the date of receipt of this order.

7. It is clarified that in case the petitioner has not already submitted a formal application before the competent authority for removal of his name from the Passport Control List and restoration of his passport, he shall be at liberty to file a fresh application, which shall be duly received and processed by the concerned authority. Upon receipt of such an application, the competent authority shall communicate with the petitioner, if required, for personal appearance or submission of any relevant material, and thereafter decide the matter in accordance with law within the stipulated period.

8. With these observations and directions, this petition stands disposed of.

JUDGE

JUDGE