

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C. P. No. D-5956 of 2025**  
(Yousuf v Federation of Pakistan & others )

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Date Order with signature of Judge

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**Before:-**

**Mr. Justice Adnan-ul-Karim Memon**

**Mr. Justice Zulfiqar Ali Sangi**

**Date of hearing and order:-16.04.2026.**

M/s Muhammad Akram & Syed Mhtab Ali advocate for the petitioner.

Ms.Wajiha Mehdi, Assistant Attorney General

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**ORDER**

**Adnan-ul-Karim Memon , J** Petitioner Yousuf has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking following prayer(s):-

- i) *To direct the Respondents 1 to 4 issue one time travel document to the petitioner in order to enable him to return Pakistan;*
- ii) *To direct the Respondent No.3 and 4 to issue fresh passport to the petitioner on the basis of documentary evidences produced by the petitioner;*
- iii) *Any other relief or relief's which this Hon'ble Court may deem fit and proper according to the circumstances of the petition.*

2. Learned counsel for the petitioner submits that the petitioner is a Pakistani citizen presently residing in the Netherlands, where he has been placed under restricted conditions by the Dutch authorities. It is contended that the petitioner's Pakistani passport has expired and, due to its loss and non-renewal, he is unable to travel or secure lawful return to Pakistan, thereby effectively rendering him immobile and deprived of basic liberty. It is further argued that the petitioner, being a natural-born citizen of Pakistan, has an indefeasible right to nationality and travel documents under Articles 9, 14 and 15 of the Constitution of the Islamic Republic of Pakistan, 1973. Reliance is placed on documentary record including CNIC/NICOP, FRC, and parental citizenship documents to assert continuous Pakistani nationality. It is further pleaded that despite repeated approaches, the Pakistan Embassy in the Netherlands declined to issue a passport or emergency travel document on the basis that the petitioner falls under the category of "BM series (Burmese Muslim) passport holders," which is disputed by the petitioner as being erroneous and contrary to his established citizenship record. Learned counsel contends that the respondents have failed to perform their statutory and constitutional obligations, leaving the petitioner without any

alternate remedy except invocation of constitutional jurisdiction of this Court. He prayed to allow this petition.

3. Conversely, learned Assistant Attorney General, opposes the petition on both maintainability and merits. It is submitted that during verification of the petitioner's record, it was revealed that the petitioner had previously been issued a BM series manual passport, a category historically associated with Burmese Muslims, and that such issuance carried an endorsement requiring acquisition of Pakistani citizenship within the validity period. It is further stated that during the verification interview conducted by the Mission, serious doubts arose regarding the petitioner's linkage with Pakistan, including inability to speak Urdu or local languages and lack of familiarity with basic personal and residential details in Karachi, thereby rendering his national status doubtful. It is contended that in view of prevailing policy instructions, particularly regarding BM series passport holders, the Mission could not issue a passport or travel document without clearance from the competent authorities. It is further submitted that the matter has been referred for security verification and is under process with the concerned agencies, and that the petitioner's case will be considered strictly in accordance with the Pakistan Citizenship Act, 1951 and Passport Rules, 2021 upon receipt of the requisite reports. It is therefore prayed that the petition be dismissed.

4. After hearing learned counsel for the parties and perusing the record.

5. The core controversy in the present petition pertains to the determination of the petitioner's nationality status, which is admittedly under scrutiny by the competent authorities on account of his earlier issuance of a BM series passport and the subsequent doubts raised during verification proceedings. The respondents' own stance reflects that the matter has already been forwarded for security clearance and is pending before the concerned agencies, meaning that the process of final determination has not yet attained finality through a speaking order.

6. In such circumstances, where the petitioner asserts his fundamental right to nationality and issuance of travel documents on the basis of documentary evidence including CNIC/NICOP, FRC, and parental records, and the respondents, on the other hand, rely upon policy considerations and verification doubts, it would be appropriate, just and in consonance with settled principles of fair procedure that the matter be finally adjudicated through a reasoned determination by the competent forum.

7. Accordingly, this petition along with pending application(s) is disposed of with the direction that the case of the petitioner shall be placed before the

competent Review Committee/Designation Authority under the Passport Rules, 2021 and applicable policy framework, which shall decide the matter within a period of two (02) weeks from the receipt of this order. The petitioner and /his attorney shall be afforded a proper opportunity of hearing, along with consideration of all documentary evidence relied upon by him, and the authority shall pass a speaking and reasoned order in accordance with law.

8. It is further directed that the decision so taken shall be communicated to the petitioner forthwith and shall be amenable to legal challenge, if so advised, before the competent forum. Let a copy of this order be communicated to all concerned for compliance in time.

**J U D G E**

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