

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.D-2106 of 2025
(Yousaf Khan Vs Federation of Pakistan & others)

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Present
Mr. Justice Adnal-ul-Karim Memon
Mr. Justice Abdul Mobeen Lakho

Date of hearing in order:-22-01-2026

Mr.Monem Khattak, Advocate for the Petitioner.
Mr.Mohsin Qadir Shahwani, Additional Attorney General.
Mr.Muhammad Azeem Akhtar, Section Officer (E.C.L), Ministry of Interior,
Government of Pakistan is present.

O R D E R

Adnal-ul-Karim Memon, J: Petitioner prayed that this Court:

- a. Declare the inclusion of the Petitioner's name in the Exit Control List (ECL) to be illegal, unlawful, and without lawful authority;*
- b. Direct the Respondents to forthwith remove the Petitioner's name from the ECL/PNIL or any other undisclosed list and allow him to travel abroad; and*
- c. Grant any other relief deemed just and proper in the circumstances of the case.*

2. The case of the petitioner is that he is residing in Karachi with his family, and is a businessman running a spice manufacturing unit at Ittehad Town. The Petitioner returned to Pakistan from Saudi Arabia in 2012 after serving there for approximately seven years as a driver. During the military operation in the Swat Valley, the Petitioner and his family were displaced and relocated to Karachi as internally displaced persons (IDPs). The Petitioner was briefly detained during security operations but, after interrogation, was declared innocent and released. He has never been involved in any unlawful activity. The Petitioner is the holder of Pakistani Passport No. YH4118092 is a registered taxpayer with FBR. The Petitioner applied for removal of his name from the Exit Control List (ECL) in 2020 for the purpose of performing Umrah and was assured that the matter would be resolved; however, his name remains on the ECL/PNIL. The Petitioner was never informed of any reasons for his inclusion on the ECL, nor was he issued any show-cause notice or afforded a hearing, in violation of Articles 4, 9, 10-A, and 15 of the Constitution. Despite repeated representations, including a formal application dated 12-05-2025, the respondents failed to remove his name or disclose any justification. The continued placement of the Petitioner's name on the ECL for over ten years is arbitrary, unlawful, and contrary to the principles of natural justice, causing severe hardship by restricting his right to travel for business,

medical treatment, and religious obligations. The Petitioner has no alternate efficacious remedy except to invoke the constitutional jurisdiction of this Court.

3. Learned Additional Attorney submitted that the Respondents contend that the Petitioner's name was placed on the ECL on 18-02-2015 under Section 2 of the Exit from Pakistan (Control) Ordinance, 1981, on the recommendation of an Intelligence Agency, alleging involvement in miscreant activities during the militancy period in Swat (2008–2009). Pursuant to this Court's order, the matter was revisited, and it has now been decided to place the case before the Cabinet Sub-Committee on ECL for consideration.

4. We have heard learned counsel for the parties and perused the record.

5. In view of the foregoing facts and submissions, it is noticed that the petitioner has been restrained from travelling abroad for over a decade without being furnished any show-cause notice, reasons, or opportunity of hearing, which *prima facie* offends the guarantees enshrined under Articles 4, 9, 10-A, and 15 of the Constitution.

6. At the same time, it is also noticed that the respondents assert that the petitioner's name was placed on the ECL on the recommendation of an Intelligence Agency and that the matter now falls within the exclusive domain of the Review Committee constituted under the Exit from Pakistan (Control) Ordinance, 1981.

7. In these circumstances, and without touching the merits of the allegations levelled against the petitioner, this Court deems it appropriate to allow the statutory mechanism to take its course.

8. Accordingly, the competent Review Committee is directed to decide the petitioner's pending application dated 06.05.2025 strictly in accordance with law, after affording him an opportunity of hearing, by passing a speaking and reasoned order within a period of thirty (30) days from receipt of a fresh representation if the petitioner files in time.

9. Learned counsel for the petitioner has undertaken to submit such representation to the Secretary, Ministry of Interior within one week.

10. With these directions, the petition stands disposed of, with no order as to costs.

JUDGE

JUDGE