

**ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI**

Constitutional Petition No. D – 2549 of 2026
(Mst. Amna versus Federation of Pakistan & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
------	--------------------------------

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 31.8.2026

Mr. Tahir Hussain Qureshi, Advocate for the Petitioner.
Ms. Wajeeha Mehdi, Assistant Attorney General.
Inspector Jamal Saeed, FIA Immigration JIAP, Karachi.

ORDER

Adnan-ul-Karim Memon, J. The Petitioner Mst. Amna has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following relief: -

- (a) *To direct the Respondents to un-block the international passport of the Petitioner's son namely Muhammad Ali and also issue travelling documents to enable him to come back to Pakistan safely and also direct them to issue fresh passport or emergency travel documents.*
- (b) *To direct the Respondents to remove any unjustified hidden restriction and place record of the Petitioner's son before this Hon'ble Court.*
- (c) *To direct the Respondents collectively to ensure safe and immediate repatriation of the Petitioner's son to Pakistan.*

2. The case of the petitioner is that she is the mother of Muhammad Ali, who went to Dubai-UAE for employment and travelled between Pakistan and Dubai on various occasions. His passport expired on 23.07.2025, after he approached the Embassy of Pakistan at Dubai for renewal. However, he was verbally informed that his passport had been blocked by the concerned authorities and was advised to approach Respondent No.2. Accordingly, he submitted an application for renewal of his passport on 15.01.2026, but no written response or reason for the blocking was provided.

3. The petitioner's counsel states that she subsequently obtained Police Department/CRO clearance, confirming that no FIR, criminal case or adverse involvement existed against her son. He added that despite the clear police record, the respondents neither disclosed any lawful reason for blocking his passport nor afforded him any notice or opportunity of hearing. Consequently, her son has been stranded abroad and is unable to return to Pakistan. The petitioner's counsel contends that the respondents' action in blocking and refusing to renew her son's passport, without notice, reasons or lawful justification, is arbitrary, mala fide and without lawful authority, and violates Articles 4, 9, 10-A and 15 of the

Constitution. She has, therefore, invoked the constitutional jurisdiction of this Court seeking directions for unblocking his passport, issuance of a fresh passport or emergency travel documents, removal of any unjustified restriction, and his safe and immediate repatriation to Pakistan.

4. The learned AAG, submitted that the petitioner's son, Muhammad Ali, was placed on the Passport Control List (PCL) by the Director General (Immigration & Passports) on the request of an agency, and that issuance or renewal of his passport also falls within the domain of Respondent No.2. She therefore submitted that Respondent No.4 and the Director General FIA have no authority to place or remove a person's name from the PCL and their role is confined to implementing the directions contained therein. Consequently, the learned AAG prayed that the petition, insofar as it concerns the FIA, Immigration & Passports, be dismissed.

5. We have heard the learned counsel for the parties and perused the material placed on record by the parties.

6. The mere fact that the petitioner's son's passport has been blocked cannot, by itself, constitute a lawful justification for indefinitely preventing renewal of the passport or his return to Pakistan. Under the Passports Act, 1974 and the Passport Rules, 2021, refusal, impounding or cancellation of a passport must have a lawful statutory basis and cannot be founded upon an undisclosed or unexplained restriction. Where a citizen has otherwise established his identity and entitlement to a passport, the competent authority is required to act in accordance with the prescribed statutory procedure and record reasons for any adverse decision.

7. Primarily, placement on a restricted list could originate from a competent law-enforcement or other authorized agency and is governed by the applicable Exit from Pakistan (Control) Ordinance, 1981, the PCL policy/rules and the statutory powers of the concerned authority.

8. The crucial question, therefore, is whether the placement of Muhammad Ali on the PCL was made by a competent authority, on a lawful request, for a legally recognized purpose and in accordance with the prescribed procedure. However, the respondents are unable to produce the order/request, the statutory provision invoked, or any material establishing a lawful basis for the restriction; continuation of the restriction would be difficult to sustain.

9. The Directorate General of Immigration & Passports is the competent authority dealing with issuance or renewal of the passport, he must independently consider the petitioner's son's application in accordance with law. The authority that originally requested or caused the restriction was called upon to justify its continuation, but they failed to respond in spite of notice issued to them.

10. The petitioner's contention that her son has no FIR, criminal case or adverse police record is a relevant circumstance, but police clearance alone does not automatically extinguish a PCL restriction if the restriction has been lawfully imposed on some other statutory ground. Conversely, an indefinite restriction cannot be maintained merely on the basis of a confidential or unexplained reference without demonstrating the existence of lawful authority and sufficient grounds under the governing statutory scheme.

11. Accordingly, the record *prima facie* shows that Muhammad Ali is a Pakistani citizen, his passport has expired, his renewal application is pending, and if there is no subsisting criminal proceeding, Court order, warrant or other lawful impediment against him, and the respondents have failed to establish a valid statutory basis for his continued placement on the PCL, this Court is compelled to direct the competent passport authority to process and decide his passport-renewal application forthwith and, subject to the applicable law, issue a fresh passport or an emergency travel document enabling him to return to Pakistan. The competent authority responsible for the PCL should simultaneously reconsider the restriction and, if no lawful ground survives, remove his name from the restricted list. However, if the respondents produce a valid order of a competent authority, a lawful agency request supported by a statutory ground, or any subsisting judicial/criminal proceeding which legally justifies the restriction, the reasoned order shall be passed by hearing all concerned within thirty days.

12. This petition stands disposed of in the above terms.

Let a copy of this order be communicated to all concerned for timely compliance.

JUDGE

JUDGE

Nadeem Qureshi PA