

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-5185 of 2025
(Muhammad Ali v Federation of Pakistan & others)

Date Order with signature of Judge

Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:-16.04.2026.

Mr. Shumail Sikandar advocate for the petitioner.
Syed Mansoor Ali Special Prosecutor NAB along with
Ms. Hina Ashraf advocate
Ms. Wajiha Mehdi, Assistant Attorney General
Mr. Rai Shehryar Sami, Assistant Director/I.O.

ORDER

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

- i) *Declare that the impugned Memorandum/Note dated 12.09.2025, whereby the name of the petitioner has been placed in the Passport Control List is unlawful, illegal, void ab initio and violative of the Constitution.*
- ii) *Declare that the act of placing the petitioner's name in the Passport Control List without prior notice, information or opportunity of hearing is arbitrary, unconstitutional and violative of the principles of natural justice and due process of law;*
- iii) *Declare that the Respondents have acted without lawful authority and jurisdiction in issuing or enforcing the impugned Memorandum/Note dated 12.09.2025;*
- iv) *Declare that the petitioner is entitled to travel freely and that the restriction imposed through inclusion of his name in the Passport Control List is liable to be set aside.*

2. The learned counsel for the Petitioner submitted that petitioner is reputable businessman, serving as CEO of Taj Corporation, a well-established entity in the petroleum sector contributing significantly to the national economy. The Petitioner regularly fulfills all civic obligations, including timely payment of taxes, and has maintained an unblemished record in both personal and professional spheres. He emphasized that the grievance of the Petitioner arises from the illegal and mala fide placement of his name on the Passport Control List

(PCL) vide Memorandum dated 12.09.2025, allegedly on the recommendation of Respondent No.3, without any prior notice, hearing, or show cause. The impugned action came to light when the Petitioner, despite having obtained exit clearance and passport stamping, was abruptly off-loaded on 05.09.2025 on the pretext that his passport had become “inactive.” Subsequently, the Petitioner discovered that all his passports had been rendered inactive and his name inserted in the PCL. The Petitioner was never issued any call-up notice, nor informed of any inquiry or proceedings by NAB, making the impugned action arbitrary and violative of due process. The Petitioner frequently travels abroad for legitimate business purposes, and the restriction imposed through placement on the PCL has severely prejudiced his fundamental right to movement guaranteed under Article 15 of the Constitution of the Islamic Republic of Pakistan, 1973. It is settled law that such rights cannot be curtailed without lawful justification, notice, and opportunity of hearing. Mere pendency of an inquiry does not constitute sufficient grounds for restricting travel, as held in *Muhammad Shahbaz Sharif v. Federation of Pakistan (2019 P. Cr.LJ 1123)*. Furthermore, the impugned action is contrary to the Passport Rules, 2021, as the Petitioner neither falls within the categories warranting placement on the PCL nor has he been refused a passport. The action of the Respondents is thus without lawful authority, tainted with mala fides, and in violation of Articles 4, 15, and 25 of the Constitution, as well as principles of natural justice. The Petitioner, being a permanent resident of Karachi with substantial business interests and family ties in Pakistan, poses no flight risk and is willing to cooperate with any lawful proceedings. However, the arbitrary restriction imposed upon him has caused grave prejudice and irreparable harm. In these circumstances, the Petitioner seeks that the impugned Memorandum dated 12.09.2025 be declared unlawful and set aside, his name be removed from the Passport Control List, and he be allowed to travel freely.

3. learned AAG assisted by the counsel for the NAB submitted that an inquiry was duly authorized by the competent authority, i.e., the Director General, National Accountability Bureau (Karachi), under delegated powers of the Chairman NAB, against Mr. Fida Khan and Mr. Aftab Khan, alleged frontmen of Mr. Owais Muzaffar Tappi and others. The said inquiry pertains to allegations of accumulation of assets beyond known sources of income and was initiated vide letter dated 24.03.2021 under Section 9(a) of the National Accountability Ordinance, 1999. She submitted that in connection with the above inquiry, the actions were undertaken and relevant documents i.e A letter dated 10.09.2025 was issued to the Director General (Operations), NAB Headquarters, recommending placement of the name of the accused on the Passport Control List (PCL) and subsequent letter was also issued to the Director General (Operations), NAB Headquarters, regarding the matter of the exit of accused Mr. Muhammad Ali

Shaikh, have been placed on record, for the placement of his name on the PCL. It is submitted that the name of the petitioner has been placed on the Passport Control List strictly in accordance with law and in connection with two ongoing inquiries. In such circumstances the nature of the allegations and the status of the petitioner as a politically influential individual, there exists a strong likelihood that he may abscond abroad in order to evade lawful proceedings of the Bureau. In view of the above facts and circumstances, it is prayed that the name of the petitioner be retained on the Passport Control List, and the instant petition, being devoid of merit, may kindly be dismissed.

4. We have heard learned counsel for the parties and have perused the record with their able assistance.

5. It is an admitted position that the name of the Petitioner has been placed on the Passport Control List (PCL) vide Memorandum dated 12.09.2025 on the recommendation of the National Accountability Bureau. The primary question before this Court is whether such placement, in the facts and circumstances of the case, meets the requirements of law and due process.

6. From the record, it transpires that no show-cause notice, call-up notice, or opportunity of hearing was ever afforded to the Petitioner prior to the impugned action. It is a settled principle of law that any administrative or executive action adversely affecting the fundamental rights of a citizen must conform to the principles of natural justice, particularly the right of hearing. Failure to do so renders such action *prima facie* void ab initio.

7. The contention of the Respondents that the Petitioner's name has been placed on the PCL in connection with ongoing inquiries based on the corrupt practices does not, by itself, provide sufficient legal justification. It is by now well-settled through authoritative pronouncements of the Superior Courts that mere pendency of an inquiry or investigation is not a valid ground to curtail a citizen's fundamental right to travel, unless supported by cogent reasons, tangible material, and lawful justification. *Prima facie*, no such material has been placed before this Court to demonstrate that the petitioner has been evading process of law or that any coercive proceedings were initiated against him. Through, we have been informed that petitioner has already been allowed to travel abroad without resistance on the part of respondents now at this stage they are raising hue and cry.

8. Furthermore, the manner in which the Petitioner was off-loaded, despite having been granted exit clearance and passport stamping, reflects arbitrariness

and lack of coordination within the concerned authorities, which cannot be sustained in law.

9. The reliance placed by the Respondents on the alleged likelihood of the Petitioner absconding is speculative in nature and unsupported by any concrete evidence. The Petitioner is admittedly a permanent resident of Karachi, having substantial business interests and roots within the country, and no material has been produced to establish that he has ever attempted to evade any legal proceedings.

10. Moreover, the placement of the Petitioner's name on the PCL must strictly conform to the parameters laid down under the Passport Rules, 2021. The Respondents have failed to demonstrate as to how the case of the Petitioner squarely falls within the prescribed categories warranting such placement. In absence of such justification and leading the impugned action appears to be an arbitrary exercise of authority.

11. In view of the above, we are of the considered opinion that the impugned Memorandum dated 12.09.2025 has been issued without hearing the petitioner lawful authority, in violation of the principles of natural justice, and in derogation of the fundamental rights guaranteed under Articles 4, 15, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973.

12. Consequently, the instant petition is disposed of with direction to the competent authority that the impugned Memorandum dated 12.09.2025, whereby the name of the Petitioner has been placed on the Passport Control List needs to be reconsidered by hearing the petitioner and if no tangible material is available against the petitioner. The respondents shall remove the name of the Petitioner from the Passport Control List and restore his travel rights, subject to any lawful restriction imposed by law.

13. Needless to observe that this order shall not preclude the Respondents from taking any action strictly in accordance with law, after affording due process and opportunity of hearing to the Petitioner.

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