

In the Supreme Court of Bangladesh  
High Court Division  
(Special Original Jurisdiction)

**Writ Petition No. 11521 of 2023.**

**In the matter of:**

An application under Article 102 read with 44 of the Constitution of the People's Republic of Bangladesh.

**In the matter of:**

Asiful Abdullah Yussuf

..... Petitioner.

Vs.

Government of the People's Republic of Bangladesh, represented by the Secretary, Public Safety Division, Ministry of Home Affairs, Bangladesh Secretariat, Abdul Goni Road Dhaka and others.

...Respondents.

Mr. Quamrun Nahar Mahmud

Deepa, Advocate with

Most. Hossne Ara Begum,

Advocate

...For the petitioner.

Mr. Amit Talukder, D.A.G with

Mr. MMG Sarwar (Payel), A.A.G

with

Mr. Md. Nasim Islam, A.A.G with

Mr. Prince-Al-Masud, A.A.G with

Mr. Md. Rayhan Kabir, A.A.G

with

.....For the Respondent No.2.

**Heard on 06.11.2023 and  
20.11.2023 and 26.11.2023.**

**Judgment on: 28.11.2023.**

**SHEIKH HASSAN ARIF, J**

1. At the instance of the petitioner who is a businessman and is a frequent traveler to foreign countries for

**Present:**

**Mr. Justice Sheikh Hassan Arif**

**And**

**Mr. Justice Md. Bazlur Rahman**

business purpose, Rule Nisi was issued calling upon the respondents to show cause as to why the impugned action of the respondents keeping the passport, being No. E E 0626507, of the petitioner seized for immigration purpose, thus, preventing him from going abroad and return Bangladesh by violating his fundamental rights to freedom of movement, should not be declared to be without lawful authority and is of no legal effect, and as to why the respondents should not be directed to allow the petitioner to go abroad and come back to Bangladesh by giving his aforesaid passport and/or pass such other or further order or orders to this Court may seem fit and proper.

2. Facts, relevant for the disposal of the Rule, in short, are that the petitioner, being a citizen of Bangladesh, with Passport No. E E 0626507, visited a foreign country for business purpose. Upon his arrival at Hazrat Shahjalal International Airport, Dhaka on 12.08.2023, the immigration police of the airport held up the petitioner for 4/5 hours and, thereafter, he was released. However, the office of immigration informed him that there was embargo upon him from going abroad or coming back to Bangladesh. Upon queries as to the

reason of such embargo, the authority did not inform him anything, particularly when there was no restraint order upon the petitioner from any competent Court or authority of the country. According to the petitioner, Trust Bank Ltd. filed 2 (two) Artha Rin Suits, being Artha Suit No. 1300 of 2019 and 1301 of 2019, wherein the petitioner was impleaded as defendant No. 3 (Mortgagor) and defendant No. 6 (Guarantor) respectively. That both the suits are pending and that no warrant of arrest has been issued against the petitioner in those cases. That apart from the said Artha Rin Suits, two criminal cases, namely C.R. Case No. 879 of 2018 and 880 of 2018, were also pending against the wife of the petitioner, namely, Ms. Fatema Chowdhury, but the petitioner was not named as an accused in the said criminal cases. It is further stated that there was/is no pending arrest warrants against the petitioner for which his movement can be restricted by any authority. It is contended by the petitioner that since there is no provision under the immigration laws, or passport laws, allowing any one to put embargo on the free movement of the petitioner, such un-official or un-declared embargo is violative of petitioner's fundamental rights as

guaranteed under Articles-31, 32, 36 and 40 of the Constitution.

2.1 The Rule is opposed by the Director General, Director General of Forces Intelligence, Dhaka Cantonment, Dhaka (respondent No. 02) contending that they did not, or do not, have any involvement in such alleged embargo on the movement of the petitioner.

2.2. In the course of hearing, this Court, vide order dated 13.11.2023, specifically directed the Immigration Police authority of the Hazrat Shahjalal International Airport (respondent Nos. 5, 6 and 7) to explain, by swearing affidavit, as to what happened on that particular date, and the copy of the said order dated 13.11.2023 has been served on the said respondents by a Special Messenger of this Court. However, in clear defiance of this Court's order, no one has entered appearance on behalf of the said respondents and/or has given any explanation.

3. Ms. Quamrun Nahar Mahmud Deepa, learned advocate appearing for the petitioner, submits that the main purpose of filing this writ petition by the

petitioner is for allowing him to undertake foreign trips for his business purposes and return back to Bangladesh smoothly as guaranteed by the Constitution under Article 36. She submits that the petitioner does not have any desire to take any action against the delinquent officials of respondent-authorities, as, according to her, such actions would make the main purpose of this writ petition more complicated.

4. It appears from materials on record that no one has denied the statement of the petitioner as made by swearing affidavit before this Court that his free movement has been restricted in the name of some unofficial embargo on him. However, no order of any competent authority has been placed before this Court so far justifying such restrictions. Therefore, without going into details as regards the entire mysterious scenario surrounding the event, as allegedly took place at Hazrat Shahjalal International Airport on 12.08.2023, we are of the view that the authorities and officials concerned shall take immediate necessary steps for allowing the petitioner

to undertake such foreign trips either for his business or medical purposes and such free movement of the petitioner shall not be restricted by any of the respondent authorities, or any other State machineries, without any specific order from any competent Court.

In view of above, we find merit in the Rule and as such the same should be made absolute.

In the result, the Rule is made absolute. The respondent-authorities and other State machineries are directed not to put any sort of embargo or restrictions on the petitioner's free movement to a foreign country and/or his return to Bangladesh, unless such restrictions and/or embargo is authorized by an order of a competent Court of Bangladesh.

Communicate this immediately.

.....  
**(Sheikh Hassan Arif, J)**

I agree.

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**(Md. Bazlur Rahman, J)**