

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)**

WRIT PETITION NO. 16789 OF 2025

IN THE MATTER OF:

An application under Article 102 of the Constitution
of the People's Republic of Bangladesh

AND

IN THE MATTER OF:

Ghulam Mohammed

.....Petitioner

-VERSUS-

Bangladesh and others

..... Respondents

Mr. Mohammad Shishir Manir, with

Mr. Mohammad Sadam Hossen, Advocates

..... For the Petitioner

Mr. Khan Ziaur Rahman, D.A.G with

Mr. Mohammad Abdul Karim, D.A.G with

Mr. Khorshed Alam (Selim), A.A.G with

Mr. Md. Ujjal Hossain, A.A.G with

Mr. Rayhanul Islam, A.A.G and

Mr. Md. Husni Mubarak (Rocky), A.A.G.

.....For the Respondents

Heard on 19.11.2025 and Judgment on 27.11.2025

Present:

Justice Md. Bazlur Rahman

&

Justice Urmee Rahman

Urmee Rahman, J:

In the instant matter a Rule Nisi was issued on an application under
Article 102 of the Constitution of the People's Republic of Bangladesh

calling upon the respondents to show cause as to why the Memo No. 58.01.0000.202.77.001.25-306 dated 05.02.2025 issued by the respondent No. 3 on behalf of the respondent No. 2 so far as it relates to revoking the passport of the petitioner under section 7(2)(c) of the Bangladesh Passport Order, 1973 should not be declared to have been done without lawful authority and is of no legal effect being violative of Articles 31 and 36 of the Constitution of the People's Republic of Bangladesh and/or pass such other of further order or orders as to this Court may seem fit and proper.

The fact necessary for disposal of the instant Rule is that, on 04.02.2025 the Anti-Corruption Commission (ACC) approved filing of an *ejahar* against the petitioner and accordingly a First Information Report (FIR) was lodged on 05.02.2025 with ACCT, Combined District Office, Dhaka-1 under Section 27(1) of the Anti-Corruption Commission Act, 2004. On the basis of that the petitioner was arrested on 05.02.2025 and was forwarded to the Court of Senior Metropolitan Sessions Judge, Dhaka and he was sent to jail. Thereafter he obtained bail on 23.02.2025 by an Order passed by a Division Bench of High Court Division, which was subsequently affirmed by the Appellate Division on 02.03.2025; however with the direction that, the accused is directed not to leave Bangladesh till conclusion of investigation without prior permission of the trial Court on each occasion (whenever he intends to leave) [Annexure B-1]. At the time of his arrest the concerned police officer seized all of his belongings including his mobile phones and four passports (two Bangladeshi

passports and two passports of Antiguan and Barbadian) bearing passport nos. B00671698 (country code: BGD), BR0099777 (country code: BGD), AB063588 (country code: ATG) and B011814 (country code: ATG) [Annexure-C].

Thereafter on 06.04.2025 the ACC filed an application being বিদেশ গমন নিষেধাজ্ঞা (Foreign Travel Ban) Petition No. 76 of 2025 before the Court of Senior Metropolitan Sessions Judge, Dhaka seeking a foreign travel ban against the petitioner and six others and the court was pleased to impose travel ban upon them by the order dated 08.04.2025. Afterwards the petitioner filed application seeking permission to travel and the Senior Metropolitan Sessions Judge, Dhaka by the order dated 08.07.2025 allowed the application for travelling abroad between the period of 15.07.2025 to 25.07.2025. This order was challenged by the ACC before the High Court Division, but the same was rejected summarily on 23.07.2025. Since the permitted period was over by that time, the petitioner again filed application seeking permission to go abroad and the court of the Senior Metropolitan Sessions Judge, Dhaka was pleased to allow the application by the order dated 07.08.2025 for the period of 15.08.2025 to 15.09.2025 on the condition that the petitioner shall report to the court on his return. The court further directed the concerned authorities to release his passport and ordered the petitioner to deposit his passport on his return from abroad.

Pursuant to the order of the court the petitioner went to the Hazrat Shahjalal International Airport, Dhaka on 17.08.2025 to travel Malaysia and while he was at the Immigration, he came to know that his Bangladeshi Passport no. B00671698 was revoked by the Government. Nevertheless the petitioner left Bangladesh using his Antiguan and Barbudan Passport no. AB063588. He returned to Bangladesh on 14.09.2025 by taking on arrival visa on the foreign passport for the period of 14.09.2025 to 13.10.2025. He deposited his four passports with the court of Senior Metropolitan Sessions Judge, Dhaka on 16.09.2025 in compliance with the court's earlier order.

Subsequently the petitioner came to learn that his passport was revoked by the Government order dated 05.02.2025 under Section 7 (2) (c) of the Bangladesh Passport Order, 1973 by the memo dated 05.02.2025, which is impugned in this writ petition (Annexure-H). He then filed an appeal under Rule 11 of the Bangladesh Passport Rules 1974 via e-mail on 28.08.2025 but without any result till date (Annexure-I). Hence, the writ petition.

Mohammad Shishir Manir, with Mohammad Saddam Hossen, Advocates appeared on behalf of the petitioner. Learned Advocate for the petitioner submitted that, the Respondent no. 1-3 have revoked the petitioner's passport arbitrarily and with mala fide intention and as such the impugned memo dated 05.02.2025 so far it relates to revoking the petitioner's passport under Section 7(2)(C) of the Bangladesh Passport

Order, 1973 is liable to be declared to have been done without any lawful authority and is of no legal effect. Mr. Manir further submitted that the petitioner was not afforded any prior notice or opportunity of being heard before the revocation of his passport, which amounts to a violation of the principle of *audi alterem partem* i.e. no one should be condemned unheard. His further contention is that all of the petitioner's passport were seized at the time of his arrest and he got those back by the order of the court which gave permission to him to travel abroad and therefore revocation of the passport by an executive order stands in contravention of the judicial order and therefore is unconstitutional and without any lawful authority. He finally submitted that the impugned memo is violative of the fundamental rights as guaranteed under Article 31 and 36 of the constitution. He prays for making the Rule absolute. In support of his submission Mr. Shishir Manir put his reliance on judgments passed in the case of *Hussain Muhammad Ershad Vs. Bangladesh and others* reported in **21 BLD (AD) 69** and in the case of *Rafique-Ul Huq Vs. Bangladesh and others* reported in **44 DLR 398**.

Learned Deputy Attorney General, on behalf of the Government, opposed the Rule; however without filing any affidavit in opposition and submitted that this matter should be heard at the presence of the respondent no. 2 i.e. the Department of Immigration and Passport, who revoked the passport. It appears from the record that no one has entered appearance on behalf of respondent nos. 2-3, the Immigration authority.

Heard the learned Advocates, perused the writ petition, the annexures annexed therewith and discussed the judgments referred to by the learned advocate for the petitioner and relevant laws in this regard.

It appears from the record that the impugned order revoking the petitioner's passport was issued on 05.02.2025 under the signature of the Assistant Director (Passport) on behalf of Director General, Immigration and Passport Directorate, Government of Bangladesh (Annexure-H). It also appears that on the same date, i.e. on 05.02.2025 he was arrested and sent to jail in pursuant to a case filed by the Anti-Corruption Commission (Annexure-A). The fact of revocation of the petitioner's passport was never brought to the notice of the court and the Senior Metropolitan Sessions Judge, Dhaka, who was pleased to allow the petitioner's application to travel abroad for a certain period. This demonstrates a serious lack of communication between the inter-governmental departments.

It transpires from the record that the petitioner came to know about the impugned order of revocation on 17.08.2025 at the airport when he was about to leave Bangladesh. After coming back from abroad he collected the impugned order of revocation and filed an appeal before the Secretary, Security Services Division (সুরক্ষা সেবা বিভাগ) under Ministry of Home Affairs in accordance with Rule 11 of the Bangladesh Passport Rules, 1974 (Annexure-I), which is within two months from the date of his knowledge. However, the appeal was filed via e-mail.

In this context Rule 11 of the Bangladesh Passport Rules, 1974 is reproduced below:

11. Appellate Authority- (1) A person aggrieved by an order of a passport authority may, within a period of two months from the date of the order, prefer an appeal-

a) where the order is that of any authority other than the Secretary, Home Affairs, to the Secretary, Home Affairs; and

b) where the order is that of the Secretary, Home Affairs, to the Minister, Home Affairs.

(2) Before making an order on an appeal under sub-rule (1), the appellant shall be given an opportunity of being heard.

This provision of the Rules, 1974 though provides for an appellate forum and gives an opportunity to the appellant of being heard, there is no explicit provision in this Rule regarding the procedure of filing the appeal. There is no prescribed form of appeal in the schedule or appendix to the Rule either. Learned Advocate for the Petitioner could not come up with any example of entertaining an appeal via email.

Rule 11 of the Bangladesh Passport Rule, 1974 appears to be fair and reasonable in the sense that it mandates for the appellant's opportunity to get heard before any decision is passed by the authority. In the present case the petitioner availed this appellate forum however in a manner which is not in practice. Considering the fact that the petitioner's passport was cancelled without recording any reason in brief and without

sending any notice to him, we are of the view that, justice would be better served if the petitioner is given an opportunity to prefer an appeal in writing in paper upon annexing all the relevant documents with it in support of his case and get the appeal heard by the appropriate authority in accordance with law.

We have considered the decisions referred by the learned Advocate for the petitioner. Fact of those cases are different in nature than that of the instant case inasmuch as that in those cases petitioners did not prefer any appeal before the appellate authority, rather they came in writ jurisdiction straightaway but in the instant case the petitioner admittedly filed an appeal before the appropriate authority, which has not been disposed of. For this reason those decisions have no manner of applicability in the present case.

Considering the fact and circumstances of the matter and with the observations made herein before, this Rule is disposed of. The petitioner is directed to prefer an appeal in writing on paper before the appropriate authority at the earliest opportunity and the appellate authority i.e. the Secretary, Ministry of Home Affairs, is directed not to consider the period of limitation mentioned in the Rule 11 of Bangladesh Passport Rules, 1974 in order to give the petitioner an opportunity of being heard in accordance with law. The appellate authority i.e. the Secretary, Ministry of Home Affairs is directed to dispose of the appeal as expeditiously as

possible, preferably within 2 (two) weeks from the date of filing of the appeal by the petitioner.

In the result, the Rule is disposed of.

However, without any order as to costs.

Communicate this judgment and order at once.

Md. Bazlur Rahman, J:

I agree.

Farida B.O