

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3746/2008**

Date of decision: 3rd December, 2009

RANBIR KUMAR Petitioner
Through in person.

versus

UOI & ORS Respondent
Through Mr. V. Dalmia, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

O R D E R

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1. The petitioner is right in his contention that language used in emergency certificate is incorrect and the petitioner had never applied for emergency certificate to be deported to India from United Kingdom, but this alone does not entitle the petitioner to the reliefs prayed for in the writ petition, which read as under:-

“(1) To quash the decision of the respondent no.2 to issue an Emergency Certificate on 28th January, 2008 authorizing the petitioner to enter India;

(2) To mandate the respondent no.1 to initiate proceedings against the UK Immigration Services and the respondent no.2 under the Passport Act 1967;

(3) To mandate the respondent no.1 to restore the petitioner's position, which was in at the time

when the Emergency Certificate issued on 28th January 2008;

(4) To mandate the respondent no.2 to return the petitioner's cancelled passport to the petitioner.

(5) To quash the decisions dated 20th March 2008 and 1st May 2008 of the respondent no.3;

(6) To quash the decision dated 5th May 2008 of the respondent no.3;

(7) To mandate the respondent no.3 provide information which were concealed by letter of 26th March 2008;

(8) To mandate the respondent no.3 to pay damages to the petitioner under the Right to Information Act, 2005 from 14th March 2005."

2. The petitioner was issued passport No. M093445 on 28th August, 1992, which was valid up to 27th August, 2002. The petitioner had gone to Germany on 3rd September, 2001 and was issued a new passport by the Indian Embassy in Frankfurt bearing No. B 3880477. The new passport was valid up to 2nd June, 2012. The petitioner subsequently travelled to United Kingdom and started residing there. He made applications to UK Immigration Services for grant of requisite permission/residency permit. It is the case of the petitioner that these applications were pending when he was deported to India under Emergency Certificate.

3. The respondents in their counter affidavit have stated that that UK Immigration Services had informed them that the petitioner was an illegal immigrant and thereafter on the request of the UK Immigration Services and in terms of Indo-UK Memorandum of Understanding, the petitioner was issued emergency certificate and

deported to India. It is, therefore, the stand of the respondents that they had acted on the basis of the request of the UK Immigration Services and in order to protect an Indian citizen. UK Immigration Services had stated that the petitioner was an illegal migrant and had no right to stay in the said country.

4. The petitioner in his writ petition has himself stated that he had filed several proceedings against the UK Immigration Services in view of their refusal to grant requisite permission/residency certificate. Reference in this regard can be made to paragraph 2(l) of the writ petition at internal page Nos.7 & 8. In fact in the said paragraph allegations have been made that the UK Immigration Services had fraudulently obtained the Emergency Certificate. The petitioner had initiated proceedings in various forums/court and had also obtained leave to appeal in the House of Lords relating to his migration status. The petitioner, who appears in person, however, states that he is not aware of the status and result of the said proceedings as he is not following them.

5. In view of the aforesaid, I do not think reliefs as prayed for in the writ petition can be granted to the petitioner. The writ petition is accordingly dismissed. No costs.

SANJIV KHANNA, J.

**DECEMBER 03, 2009
NA**