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

+ **W.P.(C) 5379/2015**

SIDDHARTHA ASHISH DEY Petitioner

Through: Mr. Saqib, Adv.

Versus

UNION OF INDIA & ORS Respondents

Through: Mr. Vivek Goyal, CGSC with
Mr. J.P. Sharma, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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25.05.2015

CM No.9707/2015 (Exemption)

1. Allowed subject to just exceptions.

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2. At the outset, Mr. Saqib says that due to a mistake committed by his office, the impugned order, which is also dated 19.5.2015, could not be filed. The said order directs impounding of the petitioner's passport. A photocopy of the same is placed on record.

3. Mr. Goyal has been shown the photocopy of the said order. He says that he has no difficulty in the same being taken on record.

3.1 Accordingly, the photocopy of the impugned order dated 19.05.2015 shall be taken on record.

4. The petitioner's case is that he had been issued a passport bearing No.H4096136, which had a duration spanning from 3.6.2009 to 2.6.2019.

The petitioner states that he applied for issuance of an additional booklet as the pages in the passport issued to him had been used up.

4.1 It is averred that it is at that stage, respondent No.3, upon due verification, re-issued a passport in favour of the petitioner, which bears the No.Z-2971030. This passport was issued on 11.11.2014.

5. It appears, thereafter, a show cause notice was issued to the petitioner on the ground that he had suppressed information, while making the application for re-issuance of the passport.

6. The information which, evidently, the petitioner kept back was with regard to the proceedings under Section 498A of the IPC; which are pending for adjudication in the concerned court. The petitioner says that this was a bona fide mistake, and that, there was no intention to keep back the information.

7. Nevertheless, what transpired thereafter was that respondent No.3 passed the impugned order dated 19.5.2015 whereby, the petitioner's passport was impounded. Against the said order, the petitioner has preferred an appeal, on 21.5.2015.

7.1 Admittedly, the appeal is pending adjudication.

8. The petitioner avers that he is required to visit Dubai in connection with an urgent matter on 27.5.2015. He says that his business requires him to be in Dubai till 30.9.2015.

9. I may only indicate that there is no averment made, with a degree of specificity as to the exact nature of business. There are no documents appended to show as to why the petitioner needs to visit Dubai. It is stated in paragraph 15 at page 7 of the writ petition, rather broadly, that the

petitioner needs to travel Dubai for a “Show”.

9.1 The petitioner claims that he is in the business of script writing. As to what is the “Show” that the petitioner needs to attend, is not detailed out.

9.2 However, Mr. Saqib, learned counsel for the petitioner, says that the petitioner has in his possession relevant documents and details.

10. In these circumstances, respondent No.2 is directed to accord an opportunity to the petitioner to demonstrate as to whether there is a subsisting need and necessity for him to travel to Dubai on an urgent basis. For this purpose, the petitioner will appear before respondent No.2 on 26.05.2015.

11. In case respondent No.2 is satisfied as to the urgency of business and its genuineness, he will issue necessary directions either for releasing the passport for a temporary period or, will issue necessary travel documents, in favour of the petitioner.

12. Insofar as the writ petition is concerned, Mr. Saqib, learned counsel for the petitioner, says that a direction be issued that the appeal pending, before respondent No.2 be disposed of expeditiously.

13. Mr. Goyal says that there is no difficulty in such a direction being issued.

14. Accordingly, the writ petition is disposed of with a direction that the appeal before respondent No.2 will be disposed of as expeditiously as possible though, not later than six weeks from today. As to the manner in which, respondent No.2 is to proceed, in the interregnum, is already indicated.

15. Dasti.

MAY 25, 2015
s.pal

RAJIV SHAKDHER, J

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