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

+ **W.P.(C) 2101/2015**

MANOJ KUMAR JAYASWAL

..... Petitioner

Through Mr.Vijay Kumar Aggarwal with
Mr.Neeraj Kumar Jha and Mr.Puneet
Jaswal, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mrs. Bharthi Raju, CGSC for R- 1 to
3.
Ms.Tarannum Cheema with Ms.Hiral
Gupta, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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04.03.2016

Present writ petition has been filed with the following prayers:-

1. *Pass necessary orders and directions thereby set-aside and quash the impugned order dated 08.01.2015 passed by Sh.Muktesh K.Pardeshi, Chief Passport Officer, New Delhi in case bearing No.VIII/402/App-95/2014, by declaring the actions of seizure and impounding of passport of petitioner to be illegal, null and void ab initio, in the interest of justice;*

AND

2. *Pass necessary orders and directions thereby set-aside and quash the letter dated 07.10.2014 issued by the Regional Passport Office, Nagpur, under Section 10(3) (e) of the Passport Act, 1967 in File No.IMP/302709952/14/Poly/29/2013, by declaring the actions of seizure and impounding of passport of petitioner to be illegal, null and void ab initio, in the interest of*

justice.

AND

3. *Issue a writ in the nature of mandamus or any other writ, necessary orders and directions thereby directing the Respondents to release the valid and original passport bearing No. J 1107787 of the Petitioner, in the interest of justice;*

AND

4. *Pass any other order and directions as this Hon'ble Court may deem fit and proper in the circumstances of the case, in the interest of justice."*

The Joint Secretary (PSP) and Chief Passport Officer after upholding the decision of the Passport Officer to impound the petitioner's passport under Section 10(3)(e) of the Passport Act, 1967 directed that if the petitioner needs to travel abroad, such specific relief can be sought from the CBI Court including for restoration of the passport and for permission to travel abroad.

However, upon the petitioner filing an application dated 31st January, 2015 seeking permission to travel abroad and direction for release of passport, CBI Court dismissed the application on the ground that so long as petitioner's passport stands impounded, granting him permission to travel abroad will be an exercise in futility.

Though the order of the CBI Court dated 9th February, 2015 has not been challenged, yet this Court directs respondent nos. 1 to 3 to deposit the petitioner's passport with the CBI Court being (CBI)-7, New Delhi Districts, Patiala House Courts, New Delhi, within a period of four weeks as the right to travel abroad is an integral facet

of fundamental right under Article 19(1)(g) of the Constitution.

It shall be open to the CBI Court to decide as to whether the petitioner's passport should be released, if so, for what duration and under what conditions. However, it is ordered that even if the petitioner's passport is released to him and he is granted permission to travel abroad, petitioner will comply with the Ministry of External Affairs notification no.GSR 570(E) dated 25th August, 1993.

With the aforesaid directions and observations, the present writ petition stands disposed of.

MANMOHAN, J

MARCH 04, 2016

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