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

+ W.P.(C) 6277/2017 & CM APPLs. 25991-25992/2017 and 28725-28726/2017

PRAMOD MITTAL

..... Petitioner

Through

Mr. Sidharth Luthra, Sr. Advocate with Mr. Gautam Mitra, Mr. Gaurav Mitra, Mr. Nalin Kohli, Mr. Pankaj Baghla, Mr. Vaibhav Mishra, Ms. Shriya, and Ms. Mehak Advs.

versus

UNION OF INDIA & ANR

..... Respondents

Through

Mr. Sanjay Jain, Addl. Solicitor General of India with Mr. Ajay Digpaul, CGSC and Mr. Vidur Mohan, Mr. Kartik Rai and Ms. Mohita, Advs.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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18.08.2017

The petitioner invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeks quashing of show cause notice dated 16.5.2017 and the consequential impounding order dated 8.8.2017, whereby, the passport of the petitioner has been directed to be submitted to the High Commission of India, London, within seven working days, failing which, the passport of the petitioner may be revoked and further action taken.

During the course of hearing, Mr. Luthra, ld. Sr. Counsel

concedes that the Passport Act provides a statutory appeal against the impugned notice/order. It is however, strenuously contended that the instant writ petition came to be filed, as it was seriously being apprehended that further coercive action would be taken, inasmuch as, previously, an impounding order had come to be passed on 21.2.2017 without issuance of even a show cause notice and to assail that, the petitioner had approached this Court by way of WP(C) 3161/2017. It is also submitted that on the earlier occasion, the petitioner had filed an appeal under Section 11 of the Passport Act, but, it was not getting heard, and, that, it is only in pursuance of the order dated 12.4.2017 passed by this Court that the appeal came to be heard and the Joint Secretary (PSP) & Chief Passport Officer, who is the appellate authority, passed an order on 9.5.2017, observing that the subject passport was not either impounded or revoked by High Commission of India, London. It is pointed out that, it so happened, when the order dated 21.2.2017 specifically spoke of the passport having been impounded. In this background, Mr. Luthra, Id. Sr. Counsel, though, does not press the instant petition any further and submits that the petitioner shall avail the statutory remedy of appeal provided for under Section 11 of the Passport Act within two weeks from today, but, presses relief to a limited extent that till the time, the appeal comes to be filed and heard by the appellate authority, no further coercive action be initiated by the respondents. Mr. Jain, Id. ASG, on instructions, states that in the event, the petitioner prefers an appeal within two weeks from today and submits his passport with the High Commission of India, London, by Monday i.e. 21.8.2017, and,

till then, the petitioner does not travel outside U.K., no further coercive action shall be taken by the respondents including revocation of the subject passport, till the first hearing in the appeal to be given by the appellate authority.

In view of the afore-going, the writ petition is disposed off with the directions that, in the event, the petitioner prefers an appeal under Section 11 of the Passport Act within two weeks from today and submits the subject passport to the High Commission of India, London on or before 21.8.2017 and does not travel outside U.K. till then, the respondents shall not take any further coercive action including revocation of the subject passport, till the first hearing in the appeal to be given by the appellate authority. It does not require any elaboration that once the appeal is taken up for hearing by the appellate authority under Section 11 of the Passport Act, it shall be the exclusive prerogative of the appellate authority to pass such interim or other order(s) as it may deem fit and proper, as provided for under law, and, any observation made in this order, shall have no bearing on the merits of the contentions of the respective parties. It is however, expected of the appellate authority to dispose off the appeal as expeditiously as possible.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

AUGUST 18, 2017

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