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

+ W.P.(C) 9172/2018 & C.M. No. 35351/2018

MANOJ NEDUMPARAMBIL ABRAHAM AND
ANR.

..... Petitioners

Through: Mr Sanbha Rumnong, Ms Loreign
Ovung and Mr Jaiwant Patankar and
Ms Anushree Bernard, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Vikas Mahajan, CGSC with Mr
Aakash Varma and Mr Deepak
Goyal, Advocates for R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.09.2018

1. The petitioners have filed the present petition, *inter alia*, impugning an order dated 03.05.2018 passed by the Consulate General of India, Houston. 2. The present petition was taken up for hearing on 31.08.2018 and this Court had made the following observation in regard to the impugned order:-

“....A plain reading of the impugned order indicates that the Vice Consulate General is unclear as to what he seeks to communicate by the impugned order. The first three paragraphs of the impugned order read as a decision; but the last paragraph reads as a show cause notice. This court is, *prima facie*, of the view that his decision is without application of mind and ought to be set aside on this ground alone.”

2. Mr Mahajan, learned counsel appearing for respondent nos.1 to 3 had sought time to take instructions in view of the aforesaid observations and the petition was posted for today.
3. Mr Mahajan, now states that the impugned order is a show cause notice and should not be construed as an order of cancellation but a mere show cause notice. A plain reading of the impugned order dated 03.05.2018 gives a clear impression that respondent no.3 has already pre-decided the issue. It also does not indicate the reasons on the basis of which it is proposed to cancel the Overseas Citizens of India (OCI) card issued to the petitioners. In this view, the impugned order dated 03.05.2018 is set aside.
4. In the event, respondents propose to take any action for cancellation of the petitioners' OCI card they shall ensure that a specific show cause notice is issued to the petitioners clearly indicating the reasons for proposing such action. The petitioners would also be provided with the necessary materials, which is sought to be relied upon by the respondents. It is also clarified that the petitioners would be provided full opportunity to be heard as well.
5. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.
6. Order *dasti*.

VIBHU BAKHRU, J

SEPTEMBER 05, 2018
MK