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

+ **W.P.(C) 12683/2018**

PALLAVI BHATT

..... Petitioner

Through Mr A. Bhattacharjee, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Vikas Mahajan, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.11.2018

1. The petitioner has filed the present petition, *inter alia*, praying that respondent nos. 1 and 3 be directed to take appropriate action in terms of Section 10 and 12 of the Passport Act, 1967 with respect to the passport issued to respondent no.4.
2. The petitioner is the wife of respondent no.5 and has filed the present petition seeking that the respondent no 5's passport be impounded/revoked and he be prosecuted. It is her case that respondent no.5 has obtained his passport by not disclosing correct facts in his application. This is founded on the allegation that respondent no.5 had disclosed his then current residential address – Venkatesh Appartment, SUS Road, Agai Chowk, Pune (Maharashtra) – instead of his permanent address. The petitioner also claims that the respondent no.5 had not disclosed the marital status to the concerned authorities.

3. The petitioner claims that respondent no. 5 had applied for a passport in the year 2009 and was issued a passport (passport no. H3482354). The petitioner claims that she married respondent no.5 on 07.12.2012.

4. Apparently, there are matrimonial disputes between the petitioner and respondent no.5 and that is the principal reason for the petitioner to file the present petition.

5. It is relevant to note that the petitioner had filed a complaint dated 16.09.2014 in respect of the aforesaid allegations with the Secretary, Ministry of External Affairs, Government of India. The petitioner, thereafter, filed a writ petition (being W.P.(C) 30/2015), *inter alia*, praying as under:

“a) direct the respondent No.1, 2 and 3 to take appropriate action in accordance with the provisions of Section 10 and 12 of Passport Act, 1967 in accordance with law on her complaint dated 16.09.2014 against respondent No.5 Mayank Brahm Bhatt; and

b) issue any other order or direction which this Hon’ble Court may found suitable in the circumstances of the case in the interest of justice.”

6. The said petition was disposed of by an order dated 20.01.2015, which reads as under:

“9. In the aforesaid circumstances, the official respondents are directed to dispose of the complaint dated 16.09.2014. However, while doing so, they will bear in mind the fact that marital relationship between the petitioner and respondent no.5 stands disrupted. Therefore, if the anomalies pointed out by the petitioner in her representation are otherwise curable, opportunity in that behalf will be given to respondent no.5; albeit after due satisfaction. In case, any information is

required in that behalf, the official respondents will be free to call upon the party concerned by way of a written notice.

However, no order will be passed against respondent no.5, without appropriate opportunity being given to him of being heard in the matter. The decision taken, will be duly communicated to both the petitioner, as also, respondent no.5.”

7. In the meantime, the respondent had informed the petitioner by a letter dated 16.01.2015 that respondent no. 5 had disclosed his permanent address as well and the passport was issued to respondent no. 5 after receipt of police verification report from the Dy. Commissioner (Special Branch). The said letter, if received by the petitioner, was not disclosed to the Court on 20.01.2015.

8. In compliance with the orders passed by this Court, the respondent also called upon the respondent no. 5, by a letter dated 25.03.2015, to update the personal details (spouse name etc).

9. There is no material to accept that the petitioner’s contention that he had not provided details of his permanent residential address. Even if the petitioner’s contention is accepted that respondent no.5 had not given his permanent residential address in his passport application (at the time of his application but had only provided his residential address, respondent no.5’s passport cannot be cancelled or impounded on that ground. Similarly, the respondent no.5 passport also cannot be cancelled on the ground of his not disclosing his marriage with the petitioner as that was solemnised subsequently.

10. It is relevant to note that the present petition has been filed after more than three years of the petitioner being informed of the outcome of her

complaint. This Court is also of the view that this petition is an abuse of the process of Court.

11. The petition is, accordingly, dismissed with a cost of ₹20,000/- to be deposited with the Delhi High Court Legal Services Committee within a period of two weeks from today.

VIBHU BAKHRU, J

NOVEMBER 27, 2018

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