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

+ **W.P.(CRL) 3045/2019 & CRL.M.A.39166/2019 (Stay)**

CHINONSO ANYANWU EDWIN Petitioner

Through: Mr. Saurabh Anand Prakash, Mr.
R.A. Worso Zimik and Ms.
Soreishang Kharay, Advocates

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Sanjeev Kumar Baliyan,
Advocate with Sub-Inspector
Shalendra, FRRO

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE I.S. MEHTA

ORDER

% **22.11.2019**

The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner Mr. Chinonso Anyanwu Edwin praying as follows:-

“The petitioner, therefore, prays that in the facts and circumstances of the present case this Hon’ble Court may be pleased to issue writ of mandamus/certiorari/habeas corpus or any other appropriate writ or direction in the like nature to the respondents:-

- a) Direct the respondents to produce the petitioner before court in Delhi and release him from the deportation camp until the writ petition is disposed of;
- b) Direct the respondents to restrain from deporting the petitioner till the present writ petition is disposed of;

- c) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case based on principle of natural justice.”

Learned counsel appearing on behalf of respondent No.1/Union of India, on instructions from Sub-Inspector Shalendra, Foreigners Regional Registration Office (FRRO) states that, since the order dated 14.11.2019 was rendered without affording an adequate opportunity of being heard to Mr. Chinonso Anyanwu Edwin, the petitioner herein, in accordance with law; they seek leave to recall the same with liberty to pass an appropriate speaking order, in accordance with law, after affording an adequate opportunity of being heard to Mr. Chinonso Anyanwu Edwin, holder of Passport No.A08753428 issued by the Federal Republic of Nigeria.

In view of the foregoing, the impugned order dated 14.11.2019 is recalled, whilst reserving liberty to the FRRO to conduct proceedings *de novo*, under the Foreigners Act, 1946, against Mr. Chinonso Anyanwu Edwin and pass a speaking order, after affording the latter an adequate opportunity of being heard.

No further relief has been pressed on behalf of the petitioner.

Mr. R.A. Worso Zimik, learned counsel appearing on behalf of Mr. Chinonso Anyanwu Edwin states that, summons to be issued by the competent officer to the petitioner shall be deemed to have been served on the latter, if the same is served upon him at 263, Lawyers' Chamber, Delhi High Court, New Delhi.

Directed accordingly.

Sub-Inspector Shalendra from FRRO states that, counsel as aforementioned, shall be permitted to interview the petitioner Mr. Chinonso Anyanwu Edwin at Seva Sadan, Lampur on any day of the week between 11:00 a.m. and 04:00 p.m.

Ordered accordingly.

Since no other directions are called for, with the above directions the writ petition is disposed of. The pending application also stands disposed of.

A copy of this order be given *dasti* under the signatures of Court Master to counsel for the parties.

SIDDHARTH MRIDUL, J

I.S. MEHTA, J

NOVEMBER 22, 2019

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