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

+ W.P.(C) 1714/2019

MR. HARSIMRANJOT SINGH GORAYA Petitioner

Through: Mr Shashank Deo Sudhi,
Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr Gaurang Kanth, CGSC for
UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **19.02.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 01.01.2019, whereby the petitioner's passport (passport No. S5826063) was suspended in terms of Section 10A of the Passports Act, 1967 (hereafter 'the Act'), for a period of four weeks.
2. In terms of Section 10A of the Act, the Central Government or any designated officer may, if he considers appropriate, extend the period of suspension till the proceedings relating to cancelling the passport are concluded. However, this power can be exercised only for reasons recorded in writing.
3. In this case, the respondent has also issued a show cause notice dated 29.01.2019, indicating that the petitioner's passport has been suspended on account of "*non compliance of court notice/summons*"

issued against him. Although, the petitioner has responded to the said show cause notice, however, he has not addressed the issue of non-compliance with the notice/summons issued by a Court in India.

4. It is seen that the petition is also completely silent as to any pending case against the petitioner. In this regard, the learned counsel appearing for the petitioner was pointedly asked as to the court case pending against the petitioner, to which he stated that there is a matrimonial case pending against the petitioner. It is seen that the petitioner has been less than candid in his pleadings, inasmuch as, the writ petition is silent as to the court case pending against the petitioner. Clearly, it would also be relevant to examine whether the petitioner has responded to the notice/summons issued in the said case.

5. This is clearly a case where the petitioner has intentionally concealed the material facts and has sought to avail of discretionary remedies. In view of the above, this Court is not persuaded to entertain the present petition for the sole reason that the petitioner has not made a true and fair disclosure in the present petition.

6. However, this Court is also of the view that the petitioner ought to be given one more opportunity to respond to the show cause notice and to deal with the principal allegation made against him, that is, he has not responded to the summons/court notice. The petitioner is at liberty to file a better response to the show cause notice within a period of one week from today. The respondents shall consider the said response and take an informed decision. It is further clarified that the petitioner is not precluded from challenging any further order, if any, that may be passed

by the respondent under Section 10 of the Passport Act, 1967, for revoking the petitioner's passport. All contentions of the petitioner in this regard are reserved.

7. The petition is dismissed with the aforesaid directions.
8. Order *dasti* under signatures of the Court Master.

FEBRUARY 19, 2019
MK

VIBHU BAKHRU, J