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

+ **W.P.(C) 2663/2019**

NOOR AFSHAN SABZPOSH

..... Petitioner

Through: Ms Nitya Ramakrishnan, Mr Vaibhav
Srivastava, Ms Sugandha Anand
Srivastava, Mr Sadduzamman and Mr
Pradyuman Kaistha, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Satyendra Kumar and Mr Amit
Sinha, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.03.2019

CM No. 12350/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 2663/2019 & CM No.12349/2019

2. The petitioner has filed the present petition impugning a show cause notice dated 07.02.2019, whereby the petitioner has been called upon to show cause why the passport ought not to be impounded. The learned counsel appearing for the petitioner states that the said show cause notice has been issued on the ground that a case under the Domestic Violence Act, 2005 has been filed by the petitioner's daughter-in-law. It is stated that no notice with regard to the said complaint and no summons have been issued. She also states that the petitioner would be defending the said case, and

there is no reason to believe that the petitioner would avoid any service. In addition, it is stated that the petitioner had also informed the police authorities with regard to her departing India.

3. The learned counsel appearing for the petitioner has referred to the decision of the Coordinate Bench of this Court in ***Anand Tewari v. Union of India & Ors: W.P.(C) 3885/2013***, and submitted that the mere filing of a complaint would not constitute pendency of the proceedings, as contemplated under Section 10(3)(e) of the Passport Act, 1967 and, therefore, no action under the said Section can be taken.

4. This Court is not inclined to examine the controversy at this stage, since the matter is only at a show cause notice.

5. The petitioner would be at liberty to respond to the show cause notice and advance all contentions. Further, if any order is passed impounding the petitioner's passport and or cancelling the same is passed, the same would not be given effect to for any further period of 15 days, to enable the petitioner to avail of the remedies.

6. The petition is disposed of with the aforesaid observation. The pending application is disposed of.

7. Order *dasti* under signatures of the Court master.

VIBHU BAKHRU, J

MARCH 18, 2019
MK