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

+ W.P.(C) 2823/2019

ANUPAM MULLICK

..... Petitioner

Through: Mr Siddharth Aggarwal, Mr Vaibhav
Sethi and Mr Abhiman Sekhri,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Vikas Mahajan, CGSC with Mr
Amit Sinha, Advocate for R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.03.2019

1. The petitioner has filed the present petition, *inter alia*, impugning the action of the respondents in impounding his passport (passport bearing no.K6089145). In the alternative, the petitioner has also prayed that direction be issued to the respondents to issue a new passport.
2. It is pointed out that there was an adverse police report against the petitioner, as a criminal case was pending against him. Admittedly, the details of the said case were not disclosed by the petitioner in his application for a passport. Accordingly, a show cause notice dated 23.04.2013 was issued by the respondents calling upon the petitioner to show cause as to why his passport could not be impounded under Section 10(3)(b) of the Passport Act, 1967.
3. The petitioner claims that he has responded to the said show cause

notice by a letter dated 29.05.2013 giving full details as to the Criminal Case pending against him as well as an FIR (FIR bearing no.466/85) dated 19.08.2009 registered against the petitioner. In addition, the petitioner also claims to have sent another letter dated 05.06.2013.

4. There is some controversy with regard to the aforesaid letters as Mr Mahajan, learned counsel appearing for the respondents, states that the same are not on the record with the concerned authorities. In view of the above, the respondents issued an order dated 29.10.2013 impounding the petitioner's passport. To be noted that the said order is not placed on record, however, the copy of the same has been handed over by Mr Mahajan. The learned counsel appearing for the petitioner also claims that no such order was served on the petitioner.

5. To compound the confusion, a fresh show cause notice was issued to the petitioner on 02.11.2016. Mr Mahajan, states that this was issued erroneously, as it was a system generated show cause notice in respect of all persons against whom adverse police report had been filed.

6. The petitioner responded to the aforesaid show cause notice but received no response to the same. The petitioner was prevented from travelling overseas as his passport had been impounded.

7. It is in the aforesaid backdrop, the petitioner approached this Court. Clearly, an order directing the respondents to release the petitioner's passport cannot be issued, as it is admitted that the material particulars regarding the cases pending against the petitioner were not disclosed by him in the application for issuance of the passport. In this view, the petitioner would be required to apply for a fresh passport. This Court is also informed

that the procedure for the same would also entail the petitioner obtaining a NOC from the concerned Court.

8. The petitioner would be at liberty to apply for a fresh passport which shall be processed in accordance with law. This Court considers it apposite to direct the respondents to afford the petitioner an opportunity to be heard before any adverse order is passed.

9. It is clarified that this is without prejudice to any action that may be initiated by the respondents under Section 12 of the Passports Act, 1967. It is further clarified that all contentions of the parties in this regard are reserved.

10. The petition is disposed of with the aforesaid directions.

11. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MARCH 20, 2019
MK