

\$~47

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

+ **W.P.(C) 3642/2019**

AYESHA FAKHRUL ISLAM TALUKDAR
AND ORS.

..... Petitioners

Through Mr Mukesh Rana, Ms Mamta,
Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Vikas Mahajan, CGSC with
Mr Abhishek Kr Choudhary, Advocate for UOI
with Mr Aakash Varma, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

09.04.2019

CM No.16657/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 3642/2019

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“1. Allow the present Writ Petition and issue writ, order or direction in the nature of Mandamus or any other appropriate writ/order/ direction to Quash the revocation letter dated 31.07.2013 & 11.07.2013 and return/issue the passport of the Petitioner No. 1, Petitioner No. 2 and Petitioner No. 3;

2. Direct the Respondents to issue a temporary Passport to the

Petitioners to exercise their religious right to visit Haj”

4. The passports of petitioner nos. 1, 2 & 3 were impounded on 20.06.2013 at the CSI Airport, Mumbai, for verification on their arrival to Mumbai from Dubai.

5. The respondents have referred to a letter dated 11.07.2013, which indicates that the said action had been taken as it was disclosed during a casual interaction with the husband of petitioner no.1 (Fakhrul Islam Abdul Razzak) that the petitioner was a Sri Lankan national and petitioner nos. 2 and 3 (who are children of petitioner no.1) were also born in Sri Lanka and had travelled to India on with their mother, on her passport.

6. The petitioners' passports was subsequently revoked. This action was taken on the basis of a police verification report which indicated that the petitioners are not Indian citizens, but are Sri Lankan nationals. The petitioners had travelled to India on a Sri Lankan passport. Although, the petitioners have challenged the impounding and revocation of their passports, and there is no averment in the petition denying the allegation that the petitioners had not travelled to India on a Sri Lankan passport. There is also no denial on the part of the petitioner no.1 that she held a Sri Lankan Passport.

7. Admittedly, the application made by the petitioners for an Indian passport had not disclosed the said fact. In this view, the decision of the respondents to revoke the passport of the petitioners cannot be faulted as the petitioners have produced no material to doubt that the said passport was obtained by submission of incorrect particulars.

8. However, it is clarified that this order would not preclude the petitioners to approach the respondents by providing cogent material, if any, to counter the allegations that the petitioners had obtained their passports by not disclosing correct facts. Needless to state that if the petitioners do so, their representation would be considered on merits.

9. The petition is disposed of.

VIBHU BAKHRU, J

APRIL 09, 2019

pkv