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

+ W.P.(C) 5486/2019 & CM No. 24077/2019

DALBIR KAUR

..... Petitioner

Through: Mr Akhil Sibal, Sr. Advocate with Ms
Vedanta Varma, Mr Sanat Tokas, Mr
Mannat Sandhu and Mr Akhil Kumar
Gola, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Vikas Mahajan, CGSC with Mr
Aakash Varma and Mr Deepak
Goyal, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.05.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued for the release of the passport of the petitioner bearing no. P2208297. The petitioner states that she had travelled to Denmark on 18.04.2019 and on her return from Denmark on 23.04.2019, her passport was seized at the Indira Gandhi International Airport.
2. Mr Sibal, learned senior counsel appearing for the petitioner states that the said action is not only arbitrary, unreasonable but also contrary to law. He states that the petitioner was neither provided any opportunity nor reasons for such punitive action, nor any show cause notice was issued prior to such action.
3. The learned counsel appearing for the respondents submits that the

petitioner has already filed a representation before the Chief Passport Officer. In addition, the petitioner has already filed an application seeking reasons for impounding of her passport as required to be furnished, under Section 10(5) of the Passport Act, 1967.

4. He also states that the present petition is not maintainable as the cause of action for filing the petition has arisen in the State of Punjab.

5. A plain reading of the petition indicates that there is a criminal case pending against the petitioner before the Judicial Magistrate, Ludhiana. The said case was instituted on a complaint filed by the Kotak Mahindra Bank Ltd., alleging offence under Section 138 of the Negotiable Instruments Act, 1881. It does appear that the petitioner's passport has been impounded on account of the pendency of the said criminal case.

6. Undisputedly, in terms of Section 10(5) of the Passports Act, 1967, the concerned authority is required to record a brief statement of reasons for impounding the passport of the concerned party and the same has to be furnished to the passport holder unless any of the specified reasons for not doing so exist. In view of the above, the respondents are directed to furnish a copy of the statement of reasons recorded for impounding the passport as required, under Section 10(5) of the Passport Act, 1967, within a period of one week from today as, undisputedly, none of the stipulated reasons for not doing so exist.

7. The petitioner would be at liberty to avail of all remedies in this regard. It is also be open for the petitioner to approach the concerned Court for the issuance of the passport, as contemplated by a notification dated 25.08.1991.

8. Before concluding, it would be relevant to mention that the bulk of

the cause of action has arisen in the State of Punjab and, therefore, *prima facie*, the contention that the petitioner ought to have filed the present petition in Punjab and Haryana High Court may be merited. However, this court does not consider it necessary to examine the said contention and nothing stated herein should be considered as an expression of a final opinion on the said issue.

9. The petition is dismissed with the aforesaid observation. The application is also disposed of.

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

VIBHU BAKHRU, J

MAY 20, 2019/MK