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

+ **W.P.(C) 1811/2020**

SCOTT DANIEL TURNER

..... Petitioner

Through: Mr. Dhiraj A. Philip and Mr. Febin M.
Varghese, Advocates.
(M:9899778389)

versus

UNION OF INDIA

..... Respondent

Through: Mr. Rajesh Gogna, CGSC with Mr.
Akshya, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **31.07.2020**

1. This hearing has been done by video conferencing.

CM APPL. 14760/2020 in W.P.(C) 1811/2020

2. An affidavit has been filed by Mr. Ajay Kumar, Assistant Director, Bureau of Immigration, Ministry of Home Affairs (MHA), placing on record the interrogation report dated 21st December, 2013. A perusal of the said affidavit and interrogation report shows that there is no specific order containing any reasons whatsoever as to why the Petitioner's Person of Indian Origin card (*hereinafter*, 'PIO card') was revoked.
3. In fact, this is a second round of litigation the Petitioner has filed. In the first writ petition being W.P.(C) 1811/2020, vide order dated 17th February, 2020 a ld. Single Judge had directed that status of the PIO card ought to be intimated to the Petitioner and if the PIO card has been cancelled, the order cancelling the same be also communicated to the Petitioner. However, no order was received by the Petitioner.

4. Again, vide order dated 10th July, 2020 this Court had directed the Respondent to comply with the previous order and to communicate the basis of cancellation and confiscation of the PIO card. However, the compliance affidavit filed by the Ministry does not deal with the question as to whether there is, in fact any order cancelling the Petitioner's PIO card and if so what are the grounds. The only statement made by Bureau of Immigration is that the old PIO card has been cancelled and the Petitioner has to apply for a new Overseas Citizen of India ('OCI') card.

5. The Court is not satisfied with the compliance affidavit filed by the Ministry. The Ministry has to explain as to what are the reasons for cancellation of the Petitioner's PIO card. Further, if there is no order which has been passed, the Respondent shall make a categorical statement on the basis of all the facts disclosed and the Petitioner's family ties, whether the Petitioner is entitled to an OCI card and if so, within what period the OCI card would be issued to the Petitioner.

6. Accordingly, last and final opportunity is granted to the Respondent to place on record any order or any reasons for cancellation of Petitioner's PIO card. No further opportunity shall be granted. If the affidavit is not filed, a senior official from the Bureau of Immigration shall join the hearing on the next date.

7. List on 17th September, 2020.

PRATHIBA M. SINGH, J.

JULY 31, 2020/dk/A