

06.08.2021

Ct. No.13

Sl. No.37

pk/akd

W.P.A. 11366 of 2021 *[via video conference]*

[Mr. Bidhan Das -Vs- Union of India & Ors.]

Mr. Sridhar Chandra Bagari

... .. for the petitioner

Ms. Chandreyee Alam

Mrs. Runu Mukherjee

... .. for the UOI

The writ petitioner is aggrieved by order dated 24th December, 2018 passed by the Regional Passport Office at Kolkata.

The brief facts of the case are that the petitioner's wife is a Bangladeshi national, entered India and had obtained an Indian passport by producing false documents. The petitioner had travelled between India and Bangladesh on a number of times on an Indian passport. Upon receiving information as regards the offence committed by the petitioner's wife, she was not allowed to enter India by the Immigration Authorities.

The petitioner admits that his wife had infact committed offences under the Passport Act and Foreigners Act. The petitioner claims that his wife is entitled to favourable consideration since she is a Hindu and she is married to an Indian national under the Citizenship Act as amended in the year 2019.

By the impugned order dated 24th December, 2018, the passport of the petitioner's wife has been revoked under Section 10(3)(a)(b) of the Passport Act, 1967.

Criminal proceedings have also been filed against the petitioner and his wife under the Passport Act and the Foreigners Act.

Learned counsel for the Union of India submits that the impugned order was appellable and time to file such appeal has since lapsed. The prayer for consideration under the Citizenship Act of 2019 cannot be maintained as she has not claimed religious persecution in a foreign country.

However, taking a sympathetic consideration towards the petitioner and his family and given the fact that the petitioner's son is separated from the mother, the appellate authority being CPO, CPV Division, Ministry of External Affairs, Room No.8, Patiala House, Tilak Marg, New Delhi – 110 001 shall treat the writ petition itself as a representation and dispose of the same in accordance with law.

The aforesaid CPO, CPV Division, Ministry of External Affairs shall be entitled to seek clearance and/or consent and/or views of the Ministry of Home Affairs, North Block, Cabinet Secretariat, Raisina Hill, New Delhi – 110 001 for the aforesaid purpose.

A copy of the writ petition may be served on the aforesaid CPO, CPV Division, Ministry of External Affairs by the petitioner as expeditiously as possible.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)