

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13151 OF 2023

Rinat Shallom Moscovich

.. Petitioner

Versus

Union of India & Ors.

.. Respondents

Mr. Nikiteshkumar Kotangale a/w Rajashri Karande, Mayur Sarode, Kavita *for the Petitioner.*

Mr. D. P. Singh, *for Respondent Nos. 1 to 3.*

Ms. N. M. Mehra, *AGP for Respondent No.4.*

CORAM : B. P. COLABAWALLA &
M. M. SATHAYE, JJ.
DATE : OCTOBER 30, 2023

P. C.

1. The above Writ Petition is filed seeking the following reliefs:-

“i. That the Hon’ble court be pleased to direct the Respondent no.2 to preserve the Passport of the Petitioner in safe custody.

ii. That the Hon’ble court be pleased to direct the Respondent to return the current passport of the Petitioner.

iii. That the Hon’ble court be pleased to grant immunity from arrest, deportation and harassment by the Respondent No. 2, 3, 4.

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iv. That the Hon'ble court be pleased to safeguard the liberty and fundamental rights of the Petitioner.

v. That the Hon'ble court be pleased to grant a stay on the procedure of the Passport Authority.

vi. That the Hon'ble court be pleased to grant sufficient time to the Petitioner to seek instructions from the Israeli Embassy and follow the requisite procedures for renouncing the Israeli citizenship as the State of Israel is a war zone and the government of Israel is not in a State to accept the request of the Petitioner and issue the No Objection Certificate for renouncing the Israeli citizenship."

2. These reliefs basically emanate from the communication/order dated 16th August, 2023 passed by the Regional Passport Office, Pune informing the Petitioner that the Passport Authorities have decided to impound the passport of the Petitioner under Section 10(3)(a) of the Passports Act, 1967 *inter-alia* on the ground that the same was obtained by suppression/wrong information provided by the passport holder.

3. The learned Advocate appearing on behalf of the Respondent Nos. 1 to 3 pointed out that the order dated 16th August, 2023 (Exhibit-M) is amenable to a challenge under Section 11 of the Passports Act, 1967. He submitted that there being an alternate remedy,

the above Petition ought not be entertained and the Petitioner ought to be relegated to avail of the alternate remedy.

4. Faced with this argument, the learned Advocate appearing for the Petitioner sought leave to withdraw the above Petition with liberty to challenge the communication/order dated 16th August, 2023 before the Appellate Authority under Section 11 of the Passports Act, 1967.

5. In these circumstances, the above Writ Petition is dismissed as withdrawn with liberty as prayed. However, there shall be no order as to costs.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]