

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 28291 OF 2013

Between:

Bangaru Sirisha, D/o. Bangaru Vikram. Aged about 30 years, Occ: Home Maker, R/o. H.No. 3-4-535, Narayanguda, Hyderabad

...PETITIONER

AND

1. The Government of Andhra Pradesh, Represented by its Principal Secretary, Home Department, A.P. Secretariat, Hyderabad,
2. Commissioner of Police, Hyderabad
3. Inspector of Police, Women Police Station, Begumpet, Secundrabad
4. The Regional Passport Officer, Passport Office, Hyderabad
5. A. Sridhar, S/o A. Kabeer, Aged about 32 years, Occ: Private Service, R/o. H.No. 11-2-464(753), near Nehru High School, Namalagundu, Secunderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents 1 to 4 to restrain the 5th respondent from absconding and also pray for other incidental and consequential reliefs including a direction to the respondents 1 to 4 to seize the passport of the 5th respondent.

I.A. NO: 1 OF 2013(WPMP. NO: 35105 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 1 to 4 to seize the passport of the 5th respondent, pending disposal of the writ petition

Counsel for the Petitioner: M/s. N. NIYATHA

Counsel for the Respondent No.1 to 3: ASST. GP FOR HOME

Counsel for the Respondent No.4: M/s. B. VAIJAYANTHI

Counsel for the Respondent No.5: SRI K. SOMESWARA KUMAR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.28291 of 2023

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

"... to issue writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents 1 to 4 to restrain the 5th respondent from absconding and also pray for other incidental and consequential reliefs including a direction to the respondents 1 to 4 to seize the passport of the 5th respondent..."

2. The marriage of the petitioner was performed with respondent No.5 on 25.10.2009 as per Hindu traditions and customs. The petitioner was taken to USA as a dependant of respondent No.5 and there, disputes arose between them. It is further case of the petitioner that the respondent No.5 has moved an application for legal separation on 17.06.2011 in Family Division, Jefferson Circuit Court, Kentucky. It is further case of the petitioner that she moved an application on the file of Family Division, Jefferson Circuit Court, Kentucky, for release of the documents which are in the custody of employee of the respondent No.5 and the said Court vide order dated 11.08.2011

directed for release of the documents. Pending adjudication of the said case, the respondent No.5 came to India. Thereafter, the application of the respondent No.5 before the Family Division, Jefferson Circuit Court, Kentucky was dismissed vide order dated 12.01.2022 for want of prosecution. It is further case of the petitioner that the respondent No.5 after coming to India, filed O.P.No.570 of 2012 on the file of Judge, Family Court, City Civil Court, Secunderabad, for divorce. The petitioner apprehends that respondent No.5 may abscond from India and therefore, she prays this Court to direct the respondent Nos.1 to 4 to seize the passport of the respondent No.5.

3. This Court vide order dated 30.09.2013 passed in W.P.M.P.No.35105 of 2013 granted interim direction, as prayed for.

4. The learned Assistant Government Pleader for Home appearing for the respondent Nos.1 to 3 on written instructions, has submitted that in compliance with the interim order dated 30.09.2013 issued by this Court in W.P.M.P.No.35105 of 2013 in W.P.No.28291 of 2013, the Inspector of Police, Women Police Station, Begumpet, Hyderabad, seized the original passport

bearing No.F3449961 from the respondent No.5 and deposited before the Court of XV Additional Chief Metropolitan Magistrate, at Hyderabad on 15.10.2013 (vide Sl.No.128/2013 dated 15.10.2013).

5. In view of the seizure of the passport of the respondent No.5 and depositing the same before the concerned Court, no further orders are required to be passed in this writ petition. However, liberty is given to the respondent No.5 to take appropriate steps seeking release of his passport, in accordance with law.

6. With the above observations, this Writ Petition is disposed of.

As a sequel, miscellaneous applications pending if any in this writ petition, shall stand closed. No order as to costs.

SD/- K.SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, The Government of Andhra Pradesh, A.P. Secretariat, Hyderabad.
2. Commissioner of Police, Hyderabad
3. Inspector of Police, Women Police Station, Begumpet, Secundrabad
4. The Regional Passport Officer, Passport Office, Hyderabad
5. One CC to SRI N. NIYATHA, Advocate [OPUC]
6. One CC to SRI K. SOMESWARA KUMAR, Advocate [OPUC]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
8. One CC to M/s. B. VAIJAYANTHI, Advocate [OPUC]
9. Two CD Copies

BN

GJP

HIGH COURT

DATED:05/09/2023

ORDER

WP.No.28291 of 2013



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑫ VLV
18/10/23