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

+ **W.P.(C) 9399/2024 AND CM APPL. 38607/2024 & CM APPL. 38608/2024**

ESHA MITTAL

.....Petitioner

Through: Dr. H. P. Sharma, Sr. Advocate with
Mr. Dibyanshu Pandey, Mr.
Radheshyam Sharma and Mr. Nilesh
Tiwari, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Ms. Yashika Garg and Mr. Chandan
Prajapati, Advocates for UOI/R-1.
Mr. Satyakam, ASC with Mr. Pradyut
Kashyap, Advocates for R-2 to 4.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.07.2024

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1. Ms. Esha Mittal has filed the present writ petition seeking the following reliefs:

“i. To issue writ of mandamus / appropriate writ, order or direction to Respondent No. 1 to revoke the Passport No. Z2886903 issued to the Respondent No. 6 Sh. Gaurav Kumar Agrawal.

ii. To issue any order(s) or direction(s) as this Hon'ble Court deem just and proper under the facts and circumstances of the matter.”

2. It is noticed that the Petitioner is seeking revocation of passport issued



to respondent no. 6. Therefore, the Court queried as to how the present petition is maintainable. This Court has also queried the counsel for Petitioner as to what fundamental right or legal right of the Petitioner is being breached. In response, Dr. H. P. Sharma, Senior counsel for Petitioner argues that the Petitioner has right to get justice and secondly, he submits that Section 10 of the Passports Act, 1967¹ is detrimental to the Petitioner's fundamental right. On further query, as to whether such a provision has been assailed in the present petition, Mr. Sharma very candidly admits that there is no prayer sought for challenging the said provision.

3. In light of the above, Mr. Sharma, on instructions, submits that he would like to withdraw the present petition and seeks liberty to apply to the Court again to assail the Section 10 of the Passports Act.

4. In light of the foregoing, the present Petition, along with pending applications, is dismissed as withdrawn with liberty as prayed for.

5. It is made clear the Court has not examined the merits of the case nor commented upon maintainability of the petition which the Petitioner intends to file.

SANJEEV NARULA, J

JULY 11, 2024

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¹ "the Passports Act"