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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2071/2024

VANDANA

.....Petitioner

Through: Mr. Dinesh Malik, Adv. from
DHCLSC alongwith Mr. Puneet Jain
and Ms. Kiffi Aggarwal, Advs.. (M:
9810306400)

versus

STATE THROUGH SHO PS AMAR COLONY & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with Ms. Priyam Agarwal & Mr.
Abhinay Kumar Arya, Advs.
Inspector Rizwan Khan & SI Suraj
Chauhan, PS Amar Coloney

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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20.08.2024

1. This hearing has been done through hybrid mode.
2. The Petitioner has filed the present writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking a writ of *habeas corpus* directing the Respondents to produce her mother, who was missing since 15th May, 2019. Continuous efforts were being made to trace the whereabouts of Petitioner's mother. Further, vide orders dated 11th July, 2024 and 23rd July, 2024, the Court had directed the concerned officials of UIDAI to be present in Court and file a status report regarding any information in respect of the Petitioner's mother as also her Aadhaar Card including address etc.



3. The officials from UIDAI appeared on 30th July, 2024 and provided contact details, including updated addresses from 2011 to 2024, in a sealed cover. However, the Court was informed that Aadhaar data is strictly confidential and can only be released under specific legal provisions. However, considering the exceptional circumstance and urgency in the present matter, this Court on 30th July, 2024 had directed as under:

“10. The mother of the Petitioner is currently not traceable despite repeated efforts made by the Delhi Police. The daughter has information that recently the Aadhar card of the mother has been updated. Under such circumstances, in a habeas corpus writ petition when the Aadhar Card of the missing person may have been updated, the Court dealing with such a petition would not be able to hear the person concerned who is the holder of Aadhar Card and is missing.

11. In addition, considering the urgency of the matter, and in order to safeguard the safety and security of an individual, UIDAI can also be directed by the High Court dealing with the Habeas Corpus petition, in exceptional cases such as the present one, to disclose the data to the Court in a sealed cover, even without being afforded a prior hearing. In a habeas corpus, there is a sense of urgency, with which the Court has to act as the missing person could be in danger. Under such circumstances, the UIDAI can be directed to provide the data forthwith.

XXX

Xxx

Xxx

13. Accordingly, the updated address and mobile number etc., as per the latest Aadhar Card data, of the mother of the Petitioner has been provided to the Delhi Police, who shall now carry out the investigation and file an updated status report with regard to the whereabouts of the mother of the Petitioner.

Xxx

Xxx

Xxx



15. The information provided in respect of the Aadhar Card of the Petitioner's mother may also be maintained in a sealed cover by the Registry and be sent in Court on the next date of hearing. The Delhi Police shall also use the data given today of the missing person, for the purposes of tracing her and shall maintain the confidentiality of the same."

4. Mr. Lao, Id. APP submits today that the mother of the Petitioner has been traced and she was found to be in custody in a Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) matter. However, he submits that she has been released now and she is on her way to Delhi.

5. The girl *i.e.*, the Petitioner has appeared today and the Court has interacted with her. She submits that she has spoken to her mother who is on her way from Jhansi and that her mother would be joining her shortly, so she does not wish to press the present petition.

6. Accordingly, no further orders are called for.

7. The present petition and all pending applications are disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 20, 2024

dj/bh