



2024:DHC:8959



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

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Date of Decision: 12.11.2024+ **W.P.(C) 3512/2011**
ABDUL SALAM

.....Petitioner

Through: Mr. M.M. Singh and Ms. Ayushi
Mishra, Advs.

versus

GNCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sameer Vashisht, ASC with Ms.
Harshita Nathrani and Mr. Vedansh
Vashisht, Advs. for R-1.
Mr. Anil Soni, CGSC with Mr.
Devrat Yadav, Adv. for R-2.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The grievance of the Petitioner as articulated in the present Petition is that by an order dated 05.07.2010 passed by the Respondent No.1 [hereinafter referred to as "Impugned Order"], the Respondent No.1 had cancelled the birth order no. 241242 dated 11.07.2000 issued to the Petitioner.

2. This is the second round of litigation for the Petitioner. In an earlier round, a Coordinate Bench of this Court by its order dated 24.08.2009 in W.P.(C) 7545/2007 captioned *Abdul Salam & Anr v. UOI & Ors.* had directed the Respondents to conduct an enquiry and verify whether the Petitioner is an Indian citizen. Pursuant thereto, the Foreign Regional Registration Office (FRRO) conducted an enquiry. This has led to the passing of the Impugned Order by Respondent No.1.



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3. Learned Counsel for the Petitioner submits that the Petitioner was born in Delhi and he and his family members have been residing in Delhi for the last several years. He further submits that the Petitioner has also been issued a Passport and an election commission card by the statutory authorities on which he seeks to rely upon.

3.1 Learned Counsel for the Petitioner further submits that the Impugned Order, however, did not take both these documents into consideration. The Petitioner submits that if given an opportunity, he would appear before the Authority and produce all necessary documents afresh.

4. Learned Counsel for the Respondents accept this suggestion.

5. The Respondents are directed to treat the present Petition as a representation and decide the same by a speaking order.

6. For this purpose, the Petitioner and/or his authorized representative will be given an opportunity to be present for a hearing before the Respondent/Authority along with all requisite documents.

6.1 The Petitioner is permitted to produce any additional facts or documents in support of his contentions, at the time of the hearing before the concerned Authority.

6.2 In the event, it is deemed necessary, that there is a need for more than one hearing, the Petitioner and Respondents may mutually schedule such additional hearings amongst themselves as well. The Respondents shall pass a Speaking Order expeditiously and no later than six months from today. The speaking order shall be communicated within a week to the Petitioner under acknowledged postal service and e-mail.

7. It is clarified that once an order is passed by the Respondents, the Petitioner shall be at liberty to inform the Respondents in W.P.(C)



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8896/2011 captioned *Abdul Salam & Anr. v. Union of India* of the order so passed, by a written communication.

8. The Petition is accordingly disposed of with the aforesaid directions.

9. Needless to add, that in the event the Petitioner is aggrieved with the order passed by the Respondents, he may take appropriate steps in accordance with the law. It is clarified that this Court has not examined the matter on merits by the Court and all rights and contentions of both parties are left open in this regard.

10. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

NOVEMBER 12, 2024/r

Click here to check corrigendum, if any