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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17563/2024**
WG CDR SOUMYA DEEP DAS

.....Petitioner

Through: Mr. Anurag Bhatt, Mr. Lokesh Pathak, Mr. Ansh Narayan Tripathi, Mr. Ankur Gupta and Mr. Vaibhav, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Nidhi Taman, CGSC with Mr. Zubin Singh and Mr. Akash Mishra, Advs. for R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **19.12.2024**

CM APPL. 74779/2024

1. Allowed, subject to all just exceptions.

W.P.(C) 17563/2024, CM APPL. 74780/2024

2. This petition has been filed by the petitioner praying for the following reliefs:

“a. Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No. 1 to 5 to inform the Petitioner of the data which has been copied from the ICT devices of the Petitioner, and provide, certified copy of search and seizure memo, chain of custody documents, forensic request form, seizure order, password sharing



Performa, entry page regarding the ICT devices of the Petitioner;

b. Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No. 1 to 5 to restore the data which has been deleted from the ICT devices of the Petitioner by the Respondent;

c. Issue the direction to the respondent No. 1 to 4 to initiate strict disciplinary action against the respondent no.05, 06, 07 & 08 for abuse of power and ill treatment to subordinate as per the Section 47 of the Air Force Act 1950 and for violation of fundamental right of the petitioner;

d. Kindly pass the order to the respondent No. 1 to 8 to compensate the petitioner for violation of his fundamental rights, loss of personal data etc as this Hon'ble Court may deem fit in the interest of justice."

3. Having perused the contents of the petition, we are of the opinion that the remedy of the petitioner would lie before the learned Armed Forces Tribunal (AFT).

4. Accordingly, the petition is disposed of by granting liberty to the petitioner to avail of his remedy before the learned AFT.

5. We make it clear that we have not expressed any opinion on the merits of the contentions raised by the petitioner in the present petition.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 19, 2024/ss/B/SJ

Click here to check corrigendum, if any