



2024:DHC:8958



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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) 8896/2011**

ABDUL SALAM & ANR.

.....Petitioners

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Anil Soni, CGSC with Mr.
Devrat Yadav, Adv.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed by the Petitioner *inter alia* seeking the following prayer:

“(a) Issue appropriate writ, order or direction, quashing the order dated 21.11.2011 passed by Respondent FRRO Delhi.”

2. The grievance of the Petitioners is that an order dated 21.11.2011 was passed by the Respondent directing that the Petitioners and their family members are not Indian nationals but are illegal immigrants from Bangladesh and that the documents produced by them, on the basis of which the birth certificate has been issued in their favour stands cancelled by the authorities. Thus, an order directing deportation of the Petitioner was passed by the Respondent which is challenged by the Petitioners before this Court.

3 It is the contention of the Petitioner that the order dated 21.11.2011 had been passed by the Respondent on the basis of a cancellation order dated 05.07.2010, whereby the SDM Seema Puri, Delhi had directed the cancellation of the birth certificate of the Petitioner.



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4. This Court has on 12.11.2024 by an order passed in W.P.(C) 3512/2011 captioned ***Abdul Salam v. GNCT of Delhi & Anr.*** has set aside the 05.07.2010 order and has directed a fresh investigation to be conducted.
5. Learned CGSC for the Respondent submits that in view of the order that this Court has passed today in W.P.(C) 3512/2011, the order dated 21.11.2011 does not survive.
6. In view of the foregoing submissions, the petition is disposed of. The Respondent is at liberty to conduct an investigation afresh. For this purpose, the Petitioners will be given an opportunity to be heard and may file requisite documents.
7. Learned Counsel for the Petitioners submits that the Petitioner No.1 was issued a passport on 29.02.2000 by the Respondent. The Respondent shall also conduct an enquiry and submit a report with respect to the passport issued to the Petitioner No.1, prior to passing such order.
8. In the meantime, and until an order is passed by the Respondent, let no coercive steps be taken by the Respondent against the Petitioners and for a period of four weeks thereafter as well.
9. Needless to add, that in the event the Petitioners are aggrieved with the order passed by the Respondent, they may take appropriate steps in accordance with the law.
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](#)