



\$~76

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

+ W.P.(C) 4661/2025  
SHABANA ZIA

.....Petitioner

Through: Mr. Vijay K. Singh, Adv.  
versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Amit Tiwari, CGSC, Mr.  
Himanshu Bidhuri, GP, Ms. Ayushi  
Srivastava and Mr. Ayush Tanwar,  
Advs. for UOI.

**CORAM:**  
**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

% **15.04.2025**

**CM APPL.21562/2025 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**W.P.(C) 4661/2025**

3. The petitioner has filed the present petition, *inter alia*, praying as under –

*“i. Issuance of appropriate writ in the nature of mandamus or any other appropriate writ / order / direction to remove/cancel look out notice issued against the petitioner and/or direct the Respondent No. 2 to recall and revoke the look- out notice instituted and maintained against the Petitioner pursuant to the order dated 15.09.2009 passed by this Hon’ble Court in WP (Crl.) No. 1271/2004 titled “Syeda Afshan Rahman v. Commissioner of Police & Ors.”*

4. The petitioner herein is a citizen of Canada, born on 10.02.2000 in Mississauga, Canada. The petitioner presently resides at Villa 11, Prestige



White Meadows, Satya Sai Layout, Bangalore North, Bengaluru, Karnataka – 560086. She holds a valid Canadian Passport bearing No. AS295004. The petitioner also holds a Person of Indian Origin (PIO) card that was issued in Switzerland at the Embassy of India, Berne on 18.09.2001. The petitioner also holds an Aadhaar Card bearing No. 3610 9530 7969 evidencing her residence in Bengaluru, Karnataka.

5. The petitioner's parents were born in Bihar, India. Both parents currently hold Canadian citizenship. The petitioner's father, Mr. Javed Zia, also holds an Overseas Citizen of India (OCI) Card bearing no. A099407 and resides with the petitioner in Bangalore. The mother, Ms. Syeda Afshan Rahman, currently resides at L-302, Jaipuria Sunrise Green Apartments, Indirapuram, Ghaziabad, Uttar Pradesh.

6. There have been matrimonial disputes between the parents of the petitioner, due to which a habeas corpus petition bearing WP (Crl.) No.1271/2004 was filed by the petitioner's mother before this Court, seeking custody of the children. The said petition was disposed of by an order dated 29.10.2004, whereby the custody of the petitioner was granted to her mother; the father of the petitioner was granted certain visitation rights.

7. During the pendency of the habeas corpus petition, a Look Out Circular (LoC) was issued against both the petitioner and her father. By order dated 15.09.2009 in WP (Crl.) No.1271/2004, this Court directed the respondent no.2 (FRRO, New Delhi) to remove the LoC against the father but to maintain the LoC against the petitioner, owing to apprehensions expressed by the mother that the petitioner may be taken out of the country, while being a minor. The said order reads as under:



“ WP (Crl.) No.1271/2004

*The present habeas corpus petition was filed by the petitioner/wife alleging that R-3/husband had illegally taken the custody of their daughter Ms.Shabana Zia and even taken her abroad. A further direction was sought that the custody be given to the petitioner. When notice was issued in the petition on 07.10.2004, a direction was passed that R-3 shall not remove the child out of the country without permission of the Court. This petition subsequently came to be finally disposed of by the Order dated 29.10.2004.*

*The operative portion of the order is contained in para 10 in terms whereof the custody of the daughter Ms.Shabana Zia is to remain with the petitioner with visiting rights of R-3. Simultaneously, visiting rights of the son Mst. Shiraj Zia are with the petitioner while his custody is with R-3.*

*The present disposed of writ petition has been listed for directions on account of an office note. As per the office report, an information has been sought by the FRRO in respect of removing the look-out instituted against R-3 from the records maintained by the FRRO. Such a representation was made by R-3 on 19.05.2009 to the FRRO as according to R-3 once the writ petition itself was disposed of, interim direction passed earlier would not survive. It is not disputed by learned counsel for the petitioner that the custody of his daughter Ms.Shabana Zia has remained with the petitioner and the interim arrangement has been operating without any major problem for the last five years with some occasional problems. The Guardianship Court at Bangalore is already seized of the matter. In view of the past acrimony and conduct of R-3, the petitioner has expressed an apprehension that the girl may again be taken out of the country without the authority of the petitioner, who is now the guardian as per the orders passed by this Court. We consider it appropriate to direct that the look out notice instituted against R-3 be removed by FRRO but the look-out notice be maintained insofar as the daughter of the parties Ms. Shabana Zia is concerned to prevent her exit out of the country. We may notice that her passport is stated to be with the petitioner.*

*It is always open to learned counsel for the parties to move the Guardianship Court for any further directions as may be necessary. A copy of the order be sent to FRRO.*

SANJAY KISHAN KAUL, J



*AJIT BHARIHOKE, J*

*SEPTEMBER 15, 2009”*

8. The petitioner is now a major and having completed her graduation from University of Delhi, seeks to pursue higher studies in Canada. However, during the process of validation of her PIO and visa, the petitioner was informed by FRRO, Bangalore that the respondent no.2 has maintained an LoC against her and therefore the same is required to be cancelled / revoked so as to enable her travel abroad. It is submitted on behalf of the petitioner that there are no criminal cases pending against her. It is further pointed out that the LoC was issued only pursuant to orders passed by this Court on the basis of the apprehension expressed by mother of the petitioner when the petitioner was a minor to the effect that the petitioner may be taken out of country by her father.

9. Learned counsel for the respondents, who appears on advance notice accedes that the LoC was issued only on account of the aforesaid order/s passed by this Court. He points out that it in terms thereof, a communication was addressed by the Registrar General of this Court to the Bureau of Immigration, pursuant to which the LoC was issued qua the petitioner. He accedes that considering that the petitioner has now attained majority, is a Canadian citizen, and there are no criminal antecedents / cases against her; nor any request has been received by the respondents from any other agency for opening/ continuation of any LoC.

10. In the circumstances, there is no impediment to the impugned LoC being cancelled / revoked.

11. Consequently, the present writ petition is disposed of with a direction to the respondents to cancel / revoke the LoC, issued qua the petitioner. The



Registrar General of this Court is also directed to write a letter to the concerned authorities revoking / withdrawing the request made pursuant to the order dated 15.09.2009, passed by this Court in WP (Cr1.) No.1271/2004.

12. Let the said communication be issued by the Registrar General expeditiously whereupon the necessary action shall be taken by the respondents, under intimation to the petitioner.

13. The present petition is disposed of in above terms.

**SACHIN DATTA, J**

**APRIL 15, 2025/cl**