

# Gulasal Sharma And Anr vs Foreigners Regional Registration ... on 21 February, 2019

**Author: Vibhu Bakhru**

**Bench: Vibhu Bakhru**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ W.P.(C) 1278/2019 & CM APPL. 5788-5789/2019  
GULASAL SHARMA AND ANR. .... Petitioners  
Through Mr Manish Sharma, Mr Ankur Garg,  
Mr Siddharth Sharma, Ms Shruti Arora,  
Advocates.

versus

FOREIGNERS REGIONAL REGISTRATION  
OFFICE AND ANR. .... Respondents  
Through Mr Gaurav, Senior Govt. Counsel with  
Mr Abhimanyu, SI/FRR0/R1 and R2.

CORAM:  
HON'BLE MR. JUSTICE VIBHU BAKHRU  
ORDER

% 21.02.2019

1. The petitioners (who are married to each other) have filed the present petition, inter alia, impugning the decision of the respondents revoking the petitioner No.1's passport bearing No. M1898249. The petitioners claim that petitioner no. 1 was born in India on 07.10.1998. Her father Sh Rajnish Sharma is an Indian citizen and her mother Umidda Donovo is a citizen of Uzbekistan.

2. Petitioner no. 2 is an Indian Citizen and he was born on 08.04.1991.

3. Petitioner no.1 was issued a passport bearing no. M1898249 in the year 2014 and the same was valid from 11.09.2014 to 10.09.2024. The marriage between the petitioners was solemnised on 23.09.2017 and was registered with the Registrar of Marriages on 13.10.2017.

4. Petitioner no.2 is currently employed in Doha, Qatar and both the petitioners departed from India on 05.09.2018 as petitioner no.2 was required to join his employment after exhausting his leave.

5. It is stated that petitioner no. 1 is on a family way and had accordingly made plans to return to India for the period of her confinement. However, while returning to India on 06.11.2018, she was stopped by the immigration officer at the Doha Airport and was informed that her passport had been flagged by the Indian Authorities and she should visit the Indian Authorities in Doha for

further information.

6. Petitioner no.1 was thereafter informed that her passport has been cancelled. This has led the petitioners to file the present petition.

7. The Counter affidavit filed by the respondent indicates that there are some doubts regarding petitioner No.1's status as an Indian Citizen and her passport has been cancelled for those reasons. It is stated that the petitioner no. 1 was also issued a show cause notice dated 31.08.2018 calling upon her to show cause as to why her passport should not be revoked under Section 10(3)(b) of the Passports Act, 1967. However, the said show cause notice was returned undelivered. It appears that this was so because petitioner no.1 had already proceeded to Qatar with her husband. The second show cause notice/final reminder dated 07.09.2018 also remained unserved. In the circumstances, respondent no.2 has proceeded to cancel petitioner no.1's passport without hearing her.

8. As noticed above, the respondents have raised questions as to petitioner no. 1's status as an Indian citizen. However, respondent no.2 has affirmed that the authorities are willing to issue an emergency certificate to enable petitioner no.1 to travel to India and contest the proceedings with regard to her citizenship. In fact, an Emergency Certificate has already been issued to petitioner no.1.

9. It is not necessary for this court to examine the controversy with regard to petitioner no.1's citizenship. This is so because the same is required to be decided by the respondents in the first instance. It is not disputed that the show cause notice issued by the respondents had remained unserved and further it also appears that respondent no. 2 has no objection to the petitioner no.1 travelling back to India (as is evident from the Emergency Certificate issued to her). In these circumstances, this Court finds no reason why petitioner no. 1 ought not to be given a full opportunity to contest the allegations on the basis of which her passport has been cancelled. In this view, the respondents are directed to restore petitioner no.1's passport within a period of two weeks.

10. Petitioner no.1 shall treat the counter affidavit filed in the present petition as a show cause notice to her. She is at liberty to file a response to the same within a period of four weeks from today. The respondents shall pass a speaking order after affording the petitioner no.1/her representative a full opportunity to be heard. Needless to state that if she is aggrieved by any decision, she is at liberty to avail the remedies as otherwise available in law.

11. Since petitioner no.1 is desirous to travel to India immediately, she may do so on the Emergency certificate as already provided to her. The same shall be valid until her passport is restored as directed above.

12. Order dasti under the signature of Court Master.

13. The petition is disposed of. The pending applications also stand disposed of.

VIBHU BAKHRU, J FEBRUARY 21, 2019 pkv