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

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**W.P.(C) No.3743/2012**

**RAMESH NAMBIAR**

..... Petitioner

Through: Mr. Prag Chawla, Advocate  
for the Petitioner.

versus

**UOI & ORS.**

..... Respondents

Through: Mr.Sumeet Pushkarna and  
Mr. Vidit Gupta, Advocate for  
Respondent No.1.  
Ms.Sonia Mathur, Standing  
Counsel for Respondent No.2,  
CBI

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

**25.06.2012**

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1. Mr.Prag Chawla, Advocate for the petitioner has placed on record the copy of the order dated 19.06.2012 passed by Calcutta Third Special Court in Special Case No.17/2010 titled as State Versus Sudipta Ghosh & Ors. Learned counsel for the petitioner submits that the petitioner had been appointed as Manager for the International Event of Hockey Test Matches to be played between Senior Men Hockey Team of India with France from 28.06.2012 till 01.07.2012 and then the Three-Nations

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Tournament to be played by Indian Men Team from 01.07.2012 to 18.07.2012 in Spain. He applied for permission to go abroad for the aforesaid purpose which has been granted by Calcutta Third Special Court but the permission cannot be availed as the passport of the petitioner was seized by CBI and handed over to the Passport Officer. He applied to Calcutta High Court but for lack of territorial jurisdiction, the petitioner was given liberty to approach appropriate Court, hence this Writ Petition before this Court for direction to the respondent to release the passport to the petitioner.

2. On behalf of respondents No.2 and 3, it has been submitted that in the petition in para K on page 6, it has been mentioned by the petitioner himself that his passport has been impounded by respondent No.2 vide impounding letter No.REP/DEL/IMP/1177/2010 dated 18.10.2010. This order, though appealable, was never challenged by the present petitioner. So it is not a question of only release of the passport but also that it stands impounded and that order had attained finality.

3. The petitioner infact is seeking execution of the order passed by Calcutta Third Special Court vide which he was permitted to travel abroad to manage the International Event of Hockey Test Matches to be played between Senior Men Hockey Team of India with France from 28.06.2012 till 01.07.2012 and then the Three-Nations Tournament to be played by Indian Men Team from 01.07.2012 to 18.07.2012 in Spain. Learned counsel for the petitioner was asked to show something on record which could reveal that while seeking permission from learned Trial Court, he apprised the Court that his passport stands impounded way back in

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October, 2010 and that order was never challenged by him. The petitioner has infact gone stepwise i.e. while applying for permission to go abroad he concealed the facts from Calcutta Third Special Court that his passport stands impounded. Not only that before Trial Court he omitted to make prayer for direction to the concerned authorities for return of the passport and then travelled through this long route by approaching this Court at Delhi seeking direction for return of the passport on the strength of permission granted to him by learned Trial Court to go abroad, which is apparently passed ignorant of the fact about impounding of passport. Obviously once the passport has been impounded it does not remain a valid travel document on which he can go abroad tomorrow i.e. 26.06.2012. Mere obtaining permission to go abroad without having valid passport does not have the effect of nullifying the impounding letter No.REP/DEL/IMP/1177/2010 dated 18.10.2010 vide which the passport of the petitioner was impounded.

4. The effect of impounding of passport was considered in the case of Mrs.Maneka Gandhi vs. Union of India & Anr. AIR 1978 SC 597 wherein it was observed as under :-

***'64. Now, here, the power conferred on the Passport Authority is to impound a passport and the consequence of impounding a passport would be to impair the constitutional right of the holder of the passport to go abroad during the time that the passport is impounded. ....'***

5. In view of the above legal position, since the passport of the petitioner stands impounded and ceased to be a valid travel document to go abroad, even if the direction is given to the concerned authorities to

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return the passport he cannot travel abroad on the strength of order passed by learned Trial Court granting him permission to go abroad. In these circumstances, the present Write Petition is dismissed.

  
PRATIBHA RANI  
(Vacation Judge)

June 25, 2012  
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