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

+ **W.P.(C) 5087/2025 & CM APPL. 23314/2025**

AMIT JOSHIE

.....Petitioner

Through: Mr. Kshitiz Ahuja and Mr. Kapil Chaudhary, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Iram Majid CGSC, Mr. Mohd. Suboor, Mr. Shivam Parashar Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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17.02.2026

1. The present petition has been filed challenging the seizure of the petitioner's passport *vide* Seizure Memo dated 03.01.2025 and seeking permission to travel.
2. A substantial part of the relief sought in the present petition stands satisfied, inasmuch as the passport has admittedly been returned to the petitioner.
3. The petitioner, however, submits that the order dated 09.06.2024, passed by the respondent in exercise of powers under Section 10(3)(e) of the Passport Act, 1967, also deserves to be set aside, as its continuance would cause undue and reasonable prejudice to the petitioner, particularly in relation to prospective travel.
4. Undoubtedly, the respondent authorities are vested with the power to impound a passport under Section 10(3)(e) of the Act. However, such power



must be exercised in relation to proceedings pending in respect of an offence alleged to have been committed by the holder of the passport, which are pending before a criminal court in India.

5. A perusal of the aforesaid Seizure Memo issued by Indian Immigration Control, Indira Gandhi International Airport, New Delhi, clearly demonstrates that the same is *ex facie* a non-speaking and mechanical order.

6. The Seizure Memo merely records that Passport No. Z4681225 dated 09.05.2019 issued at Muscat (Oman) in the name of Mr. Amit Joshie has been seized and forwarded to the Regional Passport Officer, Delhi. Moreover, the memo does indicate what condition was allegedly contravened, if at all.

7. It does not refer to any pending criminal proceedings, any order of a competent court, any statutory provision invoked, or any material considered by the Immigration Officer while arriving at the decision to seize the passport. There is no reasoning reflected on the face of the document.

8. Accordingly, the order dated 09.06.2024 is set aside. Liberty is, however, reserved to the respondents to pass a fresh speaking order, if so necessitated, in accordance with law.

PURUSHAINDR KUMAR KAURAV, J
FEBRUARY 17, 2026/ng/mj