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

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Date of Decision : 16.02.2026+ **LPA 73/2026, CM APPL. 10469/2026 & CM APPL. 10470/2026****MUJEEB KHAN FOR AND ON BEHALF OF
AFTAB KHAN MISSING**

.....Appellant

Through: Mr. Zeeshan Khan, Mr. Kaleem
Akthar & Mr. Saeed Masroor,
Advocates (through VC).

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Amit Tiwari, CGSC with Mr.
Varun Pratap Singh, GP and Mr.
Ayush Tanwar, Advocate.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****JUDGMENT****TEJAS KARIA, J. (ORAL)**

1. This Letters Patent Appeal is preferred against the Judgment and Order dated 15.01.2026 (“**Impugned Judgment**”) passed by the learned Single Judge in W.P.(C) 2894/2025 (“**Writ Petition**”), whereby the Writ Petition filed by the Appellant was disposed of on the premise that the matter is ‘no longer a case of missing person’.

2. The primary concern raised by the Appellant in this Appeal is that the Impugned Judgment was delivered without addressing the substantive and ongoing grievance regarding the provision of consular access and legal



assistance necessary for initiating proceedings in the Republic of Maldives against the Employer - Resort for alleged negligence and violation of Labour and Safety Laws.

3. The Appellant is the brother and next of kin of late Mr. Aftab Khan, an Indian citizen, who was employed as a Chef De Partie with Ifuru Island Resort at Republic of Maldives (“**Resort**”) on a valid work visa valid from 13.03.2024 to 13.03.2026. On 27.01.2025, the said Mr. Aftab Khan went missing under suspicious and unexplained circumstances while allegedly undertaking a snorkelling activity originating from the Resort at which he was working.

4. In the circumstances, the Appellant filed the Writ Petition seeking urgent intervention for the protection of the life, liberty and dignity of his missing brother and for issuance of appropriate writs and / or directions to the Respondent authorities to conduct a fair and effective inquiry into the disappearance of Mr. Aftab Khan, to coordinate with authorities at Maldives and to appoint a Nodal Officer for continuous liaison for facilitating consular access and legal assistance to the Appellant so as to enable him to pursue remedies under Maldivian Law, including proceedings against the employer Resort for negligence and violation of Labour and Safety Obligations.

5. During the pendency of the Writ Petition, Respondent No. 3, Ministry of Home Affairs, filed Status Report dated 25.03.2025 stating that the Indian High Commission in Maldives got the missing information of Mr. Aftab Khan through an e-mail dated 28.01.2025, sent by the Appellant’s Counsel and thereafter, the Indian High Commission pursued the missing complaint with the employer and concerned local authorities at Maldives. The Indian High Commission at Maldives was informed by the HR Manager of the Resort that



Mr. Aftab Khan was snorkelling at the Resort's beach area with his friend, Mr. Paramjit and was swept away by strong currents in the sea. It was further informed that the rescue divers of the Resort immediately started rescue attempts and successfully rescued Mr. Paramjit but were unable to rescue Mr. Aftab Khan. Accordingly, the Indian High Commission *vide* e-mail dated 29.01.2025 informed the Appellant's Counsel that the High Commission Officers were in touch with the local authorities in Maldives and were regularly following the case and provided assurance of all possible assistance. The Indian High Commission in Maldives received an e-mail from Maldives Ministry of Foreign Affairs on 10.02.2025 stating that they were closely following the matter. On 11.02.2025, the Indian High Commission in Maldives received response from the Maldives Ministry of Foreign Affairs forwarding a police report on the incident and the investigation updates. The Indian High Commission at Maldives forwarded the police report to the Appellant on the same day to keep him updated.

6. The Status Report further stated that the Indian High Commission at Maldives was in regular contact with the employer of Mr. Aftab Khan and the relevant authorities in Maldives and was regularly following up the case, which was still under investigation. It is also stated that the family of Mr. Aftab Khan has been extended all possible assistance in the matter and has been routinely kept informed, including facilitating their entry into the Maldives and arranging meetings with the Resort and local investigation authorities. In light of the same, the Status Report prayed that the Writ Petition may be disposed of.

7. The Appellant filed a detailed Rejoinder dated 08.04.2025 in response to the Status Report filed by Respondent No. 3 stating that the Status Report



was merely a recital of correspondence, devoid of any meaningful compliance with the judicial directions and exposed the continuing abdication of consular obligations by the Respondents.

8. The learned Counsel for the Appellant submitted that despite the clear and categorical directions passed during the pendency of the Writ Petition *vide* orders dated 08.04.2025 and 29.05.2025, the Respondents have failed to facilitate consular access in the letter and spirit. It was submitted by the learned Counsel for the Appellant that although repeated written communications and e-mails were sent to Indian High Commission at Maldives and the appointed Nodal Officer, including the Embassy of the Republic of Maldives at New Delhi, specifically requesting facilitation of consular access and legal assistance for initiating proceedings against the Resort, no effective steps were taken in response thereto.

9. It was further submitted that the response received by the Appellant was a perfunctory communication advising him to approach the Maldives High Commission in New Delhi, which itself failed to respond or take any concrete steps and thereby creating an administrative impasse and frustrating the Appellant's right to access justice in a foreign jurisdiction.

10. The learned Single Judge has, by way of the Impugned Judgment, disposed of the Writ Petition while observing that:

“1. In view of the status report placed on record by the respondent no.3, it is seen that the instant is, no more a case of missing person, and the appropriate steps have been taken by the Government to assist the family members of the petitioner in getting the petitioner's belongings etc.

2. Under these circumstances, no substantive relief can be granted to the petitioner at this stage. The petition is accordingly disposed of.

3. However, liberty stands reserved to the petitioner to approach the Government in case the petitioner has any further grievance.”



11. The sole outstanding grievance of the Appellant pertains to consular access and legal assistance for exercising their rights to initiate legal proceedings against the employer of the late Mr. Aftab Khan, regarding alleged negligence or violations of Labour and Safety Laws.

12. Learned Counsel for the Respondents submitted that Respondent Nos. 3 and 4 are fully cooperating with the Appellant and are in regular communication with the employer of the late Mr. Aftab Khan as well as the relevant authorities in the Maldives. Additionally, Respondent Nos. 3 and 4 are diligently monitoring the progress of the case and have expressed their readiness to provide any necessary assistance to the Appellant, including facilitating entry into the Maldives and coordinating meetings with the Resort and local investigative authorities, as detailed in the Status Report dated 25.03.2025.

13. Accordingly, the present Appeal is disposed of with a direction to Respondent Nos. 3 and 4 to grant consular access to the Appellant and their legal advisors in the Maldives, facilitate assistance for entry and exit procedures, and coordinate meetings with the employer of the late Mr. Aftab Khan as well as the local investigative authorities.

14. The Appeal and the pending Applications stand disposed of with the aforesaid directions.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 16, 2026/sms