

# HIGH COURT OF AUSTRALIA

GORDON J

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HAMMAD ELLAHI

PLAINTIFF

AND

MINISTER FOR IMMIGRATION, CITIZENSHIP,  
MIGRANT SERVICES AND MULTICULTURAL  
AFFAIRS

DEFENDANT

[2026] HCASJ 5

*Date of Judgment: 19 March 2026*

S32 of 2022

## ORDERS

- 1. The plaintiff's solicitor is granted leave to withdraw as solicitor on the record for the plaintiff.*
- 2. The plaintiff's solicitor is to serve a copy of this order on the defendant.*

### **Representation**

The plaintiff is represented by Parish Patience Legal and Migration Services

The defendant is represented by Sparke Helmore Lawyers



1 GORDON J. The plaintiff's application for a constitutional or other writ filed in  
this Court in 2022 was stayed by Keane J until the plaintiff's application for  
declaratory relief, which had been remitted to the Federal Court of Australia,  
was determined by that Court. That application was determined by  
the Federal Court on 27 May 2025.<sup>1</sup> The solicitor on record has deposed that  
following the Federal Court's decision, they have been unable to obtain instructions  
from the plaintiff despite numerous attempts to do so.

2 On 6 March 2026, the plaintiff's solicitor filed an application seeking leave  
to withdraw as solicitor on file.

3 Having regard to the affidavit material before the Court, I am satisfied that  
the plaintiff's solicitor has complied with the requirement under r 6.02.5(c) of  
the *High Court Rules 2004* (Cth) to give notice in writing to the plaintiff of their  
intention to apply for leave to withdraw prior to making the application to this  
Court, and has also provided, by affidavit, the last known address and contact  
details for the plaintiff. In all the circumstances, it is appropriate for leave to be  
granted. Under r 6.02.5(c), withdrawal will be complete upon the plaintiff's  
solicitor serving a copy of the order granting leave to withdraw on the defendant  
to this proceeding. Orders should be made in accordance with r 6.02.5(c) as  
follows:

1. The plaintiff's solicitor is granted leave to withdraw as solicitor on  
the record for the plaintiff.
2. The plaintiff's solicitor is to serve a copy of this order on the  
defendant.

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1 *Ellahi v Minister for Immigration and Citizenship* [2025] FCA 549.