



\$~24

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

+ LPA 462/2026

SHRAVAN GUPTA

.....Appellant

Through: Mr. Vikas Pahwa & Mr. Tanvir Ahmed Mir, Sr. Advs. with Mr. Yudhister Singh, Mr. Prabhav Ralli, Mr. Saud Khan, Mr. Pulkit Shree, Ms. Deeya Mittal & Mr. Dev Virat Arya, Advs.

Versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Anubha Bhardwaj & Ms. Ananya Shamsheery, Advs. for UOI.
Mr. D.P. Singh, ASG with Mr. Manu Mishra, Ms. Garima Saxena & Mr. Imaan Khera, Advs. for R-5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **03.07.2026**

CM Nos.40357/2026 & 40358/2026 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Applications stand disposed of.

LPA 462/2026, CM Nos.40356/2026 & 40359/2026

3. Heard learned Counsel for the Parties.
4. Mr. Vikas Pahwa, learned Senior Counsel for the Appellant submits that the grievance of the Appellant in the present Appeal is confined to the observations made by learned Single Judge in Paragraph No. 18 of the judgment dated 19.05.2026 ("**Impugned Judgment**") whereby the learned Single Judge has observed as under:



“18. The decision-making authority shall be at liberty to consider the submissions made by any other investigating agencies etc.”

5. It has been argued by learned Senior Counsel for the Appellant that such liberty granted to the Decision Making Authority (“**DMA**”) will open the floodgate and there is likelihood of all investigating agencies rushing to the DMA under the Passport Act, 1967 (“**Act**”) entrusted with the power of renewal of passport, making objection to any such prayer for renewal of passport which is not in tune with the scheme of the Act.

6. Having considered the said submissions, we are afraid, the apprehension expressed by learned Senior Counsel for the Appellant is unfounded. The application for issuance and renewal of passport is dealt with in accordance with the provisions of Section 5 of the Act. Sub-section (1) of Section 5 of the Act provides that an application shall be made by a person seeking issuance of passport which shall be accompanied by a prescribed fee and on such application being made, as per sub-section (2) of Section 5 of the Act, the Passport Authority shall pass an order for issuance of passport or refusal to issue the passport. The power for issuing or refusing to issue the passport is available to the Passport Authority who exercises such power “after making such enquiry, if any, as it may consider necessary”. Accordingly, it is not that the Passport Authority is entrusted with the power to issue or refuse issuance of passport only on the basis of scrutiny of particulars submitted by the applicant along with his application; rather, the Passport Authority has been vested with the statutory discretion to conduct such enquiry as may be considered necessary by it.



7. Section 5 of the Act is set out below:

“5. Applications for passports, travel documents, etc., and orders thereon. – (1) An application for the issue of a passport under this Act for visiting such foreign country or countries (not being a named foreign country) as may be specified in the application may be made to the passport authority and shall be accompanied by Such fee as may be prescribed to meet the expenses incurred on special security paper, printing, lamination and other connected miscellaneous services in issuing passports and other travel documents.

Explanation. – In this section, “named foreign country” means such foreign country as the Central Government may, by rules made under this Act, specify in this behalf.

(1A) An application for the issue of –

(i) a passport under this Act for visiting a named foreign country; or

(ii) a travel document under this Act, for visiting such foreign country or countries (including a named foreign country) as may be specified in the application or for an endorsement on the passport or travel document referred to in this section, may be made to the passport authority and shall be accompanied by such fee (if any) not exceeding rupees fifty, as may be prescribed.

(1B) Every application under this section shall be in such form and contain such particulars as may be prescribed.

(2) On receipt of an application under this section, the passport authority, after making such inquiry, if any. as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing,-

(a) issue the passport or travel documents with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of the foreign country or countries specified in the application; or

(b) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of one or more of the foreign countries specified in the application and refuse to make an endorsement in respect of the other country or countries; or



(c) *refuse to issue the passport or travel document or, as the case may be, refuse to make on the passport or travel document any endorsement.*

(3) *Where the passport authority makes an order under clause (b) or clause (c) of sub-section (2) on the application of any person, it shall record in writing a brief statement of its reasons for making such order and furnish to that person on demand a copy of the same unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such copy."*

8. From perusal of the provisions contained in sub-section (2) of Section 5 of the Act, it is abundantly clear that the discretion to conduct the enquiry is vested with the Passport Authority and the nature of enquiry to be conducted is also at the discretion of the Passport Authority for the reason that the said provision is couched with the phrase "*as it may consider necessary*".

9. In view of the aforesaid, we find that the apprehension expressed by learned Senior Counsel for the Appellant does not bear any basis. The observations made in Paragraph No. 18 of the Impugned Judgment by the learned Single Judge are, thus, in consonance with the provisions of sub-section (2) of Section 5 of the Act and in fact, the said observations only reiterate the position of law vesting discretion in the Passport Authority to conduct such enquiry as may be considered necessary by it for the purpose of taking an appropriate decision for either issuing the passport or refusing it.



10. In view of the aforesaid, we do not find any good ground to interfere with the Impugned Judgment. Accordingly, the Appeal as well as the pending Applications are dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JULY 3, 2026
'gsr'