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

+ LPA 214/2016

UNION OF INDIA & ANR

..... Appellant

Through Mr.Rajesh Gogna, CGSC with
Ms.L.Gangmei, Adv. for Appellants No.1 and 2

versus

BOOTA SINGH JOHAL

..... Respondent

Through Mr.Shrey Chathly and Mr.Vishesh
Wadhwa, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

02.06.2016

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1. By order dated 29.01.2014 of the Passport Officer, Jalandhar, it was decided not to issue passport to the respondent herein for a period of five years viz. upto 07.06.2016 on the ground that he applied for political asylum at San Francisco and consequently his name was placed in PAC (Prior Approval Category) for a period of five years from the date of his arrival in India i.e. 08.06.2011. The respondent's appeal against the said order was dismissed by the Chief Passport Officer by order dated 09.09.2014 observing that after the period of PAC is over i.e. after 07.06.2016 he may submit a fresh application with the passport office for passport. Aggrieved by the same, the respondent filed W.P.(C) No.11070/2015 and the same was allowed by the learned Single Judge by order dated 30.11.2015. Hence, the present appeal by the Union of India and the Chief Passport Officer.

2. We have heard the learned counsel for both the parties.
3. Having regard to the fact that the period of five years of PAC will expire on 07.06.2016 and as per the order of the Chief Passport Officer the respondent is entitled to make a fresh application for passport after 07.06.2016, it is submitted by the learned counsel for the respondent that nothing survives for adjudication on merits and the appeal may be disposed of permitting the respondent to make a fresh application for passport. The learned counsel appearing for the appellants has not disputed the same.
4. Accordingly, we dispose of the appeal permitting the respondent herein to make a fresh application after 07.06.2016 for a fresh passport. On receipt of such application, the Passport Officer shall consider the same and pass an appropriate order in accordance with law within four weeks from the date of receipt of application.

Appeal is accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

JUNE 02, 2016

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