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

+ W.P.(C) 6254/2015

AMARDIP SINGH

..... Petitioner

Through: Mr. Varun Mathur and Mr. Lalit
Valecha, Advs.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr.
Arindam Dey, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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08.01.2016

1. The petition seeks a direction to the Passport Issuing Authorities (PIAs) to immediately issue a fresh Passport to the petitioner.

2. To cut the controversy short, the name of the petitioner has been put in Prior Approval Category (PAC) for denial of Passport for a period of five years with effect from 22nd March, 2013 for the reason of the petitioner having unsuccessfully sought political asylum in a foreign country, attracting Section 6(1)(a) of the Passports Act, 1967.

3. This Court in ***Kulvir Singh Vs. Union of India*** 216 (2015) DLT 657 and in other connected petitions held that though the action of applying for political asylum may result in bad publicity for a country but that does not mean that same is prejudicial to the sovereignty and integrity of

India and that howsoever depreciable the action of applying for political asylum may be the said act on the part of the applicant for the Passport does not fall within the scope of activities prejudicial to sovereignty and integrity of India within the meaning of Section 6(1)(a) of the Act and thus cannot be a ground for denying Passport.

4. The matter is thus squarely covered by the judgment supra of a Coordinate Bench and the petition has to be allowed in terms thereof.

5. The counsel for the respondents though does not controvert the aforesaid factum but contends that the Union of India has preferred an LPA assailing the order dated 11th December, 2015 of this Bench in W.P.(C) No.1044/2015 titled ***Satnam Singh Vs. Union of India*** which was allowed following the dicta in ***Kulvir Singh*** supra. She states that notice of LPA No.13/2016 has been issued and the application for stay therein is listed for hearing on 18th January, 2016. She thus requests that this petition be deferred beyond that date to avoid multiplicity of litigation.

6. I am of the view that once a Coordinate Bench has taken a view on the matter, this petition ought not to be kept pending for the reason of an appeal thereagainst pending. The respondent can always prefer an appeal against the present order also.

7. Accordingly, the petition is allowed; the order of the respondents PIAs not issuing Passport to the petitioner on the ground aforesaid is set aside. The respondents are directed to, within two months of today and subject to the petitioner complying with all the requisite formalities, process

the application of the petitioner for issuance of Passport and if find the petitioner entitled thereto, to grant the Passport facility to the petitioner.

8. It is clarified that the Passport facility to the petitioner shall not be denied on the ground on which it was earlier denied.

No costs.

Copy of this order be given *dasti*.

RAJIV SAHAI ENDLAW, J.

JANUARY 08, 2016

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