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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 21.04.2017

+ W.P.(C) 2830/2017

KUNSANG DECHEN

..... Petitioner

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Simarpal Singh Sawhney.

For the Respondents : Mr Prasanta Verma, Ms Prativa Varma, Advocates with
Mr Girdhari Lal, Assistant from RPO, Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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21.04.2017

SANJEEV SACHDEVA, J. (ORAL)

CM No.12347/2017 (exemption)

Allowed, subject to all just exceptions.

W.P.(C) 2830/2017

1. The petitioner, by the present petition, seeks a direction to the respondent to accept the surrender of the Identity Certificate of the

petitioner and cancel the same as per Rules and to issue the Police Clearance Certificate.

2. It is contended that petitioner was earlier issued an Identity Certificate on 11.05.2007. The Identity Certificate was valid for a period of ten years and is due to expire on 10.05.2017. The petitioner thereafter applied for passport and was issued passport on 09.06.2008. The petitioner applied for a Police Clearance Certificate but the same has been denied on the ground that the petitioner holds passport and has not yet surrendered her Identity Certificate.

3. Learned counsel for the petitioner submits that the petitioner is ready and willing to surrender the Identity Certificate and had even approach the Regional Passport Officer but the same was not accepted. He further submits that the Identity Certificate itself states that on issuance of a passport, the Certificate was ceased to be valid.

4. Learned counsel for the respondent submits that the Police Clearance Certificate was not granted to the petitioner as the petitioner had not surrendered her Identity Certificate. He further submits that in terms of Rule 13 of the Passport Rules, 1980, the petitioner cannot possess both the passport as well as the Identity Certificate.

5. Learned counsel for the respondent further submits that the earlier application filed by the petitioner has already been closed, in

view of the above discrepancy and the petitioner would need to apply afresh for the Police Clearance Certificate.

6. In view of the above, the Writ Petition is disposed of by directing the petitioner to surrender the Identity Certificate with the Regional Passport Officer within ten days.

7. The petitioner shall thereafter be at liberty to file an application for issuance of Police Clearance Certificate. On such an application being filed, the respondent shall consider the same in accordance with law.

8. However, it is clarified that the earlier ground of the petitioner possessing an Identity Certificate and the passport would not come in the way of the respondents processing the said application.

9. *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 21, 2017

'Sd'