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

+ **W.P.(C) 6553/2017**

SHRI PAWAN KUMAR

..... Petitioner

Through: Mr Francis Paul, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Prasanta Varma, Senior Central
Government Counsel.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.08.2017

1. Issue notice. The learned counsel for the respondents accepts notice.
2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to immediately issue fresh passport to the petitioner.
3. It is averred in the petition that the petitioner had applied for passport on 30.01.2017, 28.02.2017 and 18.04.2017 and had also paid the requisite fee of ₹1500/- on each of the three occasions.
4. The petitioner believes that his file has been closed; however, no reasons for rejection of a closure of file have been communicated to the petitioner.
5. The learned counsel for the respondents drew the attention of this

Court to sub sections (2) and (3) of Section 5 of the Passports Act, 1967, which reads as under:-

“(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 document 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.”

6. He submitted that in case of denial of a passport to an applicant, the concerned passport authority has to record the reasons in writing and which

have to be furnished to the petitioner on demand unless the passport authority is of the opinion that providing such reasons would not be in the interests of the sovereignty and integrity of India, the security of India or in the interest of friendly relations of India with any foreign country or in the interests of the general public. He submits that in the present case, the petitioner has not demanded the copy of the reasons on account of which his passport has been denied. The learned counsel for the respondents further states that he is also not aware as to whether the applications filed by the petitioner had been denied as yet or not.

7. In the aforesaid circumstances, the respondents are directed to communicate to the petitioner whether his applications for passport have been denied and if so disclose the reasons for such denial within a period of four weeks from today.

8. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

AUGUST 01, 2017
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