

\$~42

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

+ W.P.(C) 10038/2017

TASHI PHUNTSOK

..... Petitioner

Through: Mr Simarpal Singh Sawhney and Mr
Sidhant Krishan Singh, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Gaurang Kanth, CGSC with Ms
Eshita Baruah, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.11.2017**

CM No.40956/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 10038/2017

2. Issue notice. Learned counsel for the respondents accepts notice.

3. The principal grievance of the petitioner is that his application for a passport has been kept on hold. The petitioner alleges that the petitioner's application for passport has not been processed solely on the ground that the petitioner's parents are of Tibetan origin.

4. The petitioner claims that he was born on 01.01.1986 and therefore, is a citizen of this country by birth. The petitioner alleges that although the petitioner is a citizen of this country, the respondents are taking a view that since the petitioner is born of parents of Tibetan origin, there is a doubt as to his nationality.

5. The above issue has been examined by this Court in several decisions and the issue has been decided in favour of the applicants. (See: *Namgyal Dolkar v. Government of India, Ministry of External Affairs: W.P.(C) 12179/2009, decided on 22.12.2010; Phuntsok Wangyal v. Ministry of External Affairs & Ors: W.P.(C) 3539/2016* and other connected matters *decided on 22.09.2016*; and *Karma Gyaltsen Neyratsang v. Union of India & Ors: W.P.(C) 6074/2014, decided on 29.08.2017*).

6. In this view, the present petition is disposed of by directing the respondents to consider the petitioner's application for a passport within a period of four weeks from today having regard to the aforesaid decisions rendered by this Court.

7. In the event, if the respondents find that there is any other justifiable ground to refuse the passport, the same would be communicated to the petitioner within the aforesaid period of four weeks.

8. It is clarified that the passport would be issued only on the petitioner surrendering his RC/IC.

9. Order *dasti* under the Signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 13, 2017
MK