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

+ W.P.(C) 732/2018

SH. JASWINDER SINGH

..... Petitioner

Through: Mr Satvinder Singh and Mr Lalit
Kumar, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Dev P. Bhardwaj, CGSC with Mr
Surender Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.01.2018

CM No.3106/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 732/2018

2. The petitioner has filed the present petition, *inter-alia*, impugning an order dated 08.05.2017 passed by the Regional Passport Officer (hereafter 'the RPO') communicating the decision not to issue a passport to the petitioner for a period of five years from his deportation, that is, upto 08.03.2022.

3. It is the petitioner's case that he was carrying a valid passport bearing no.N-0705772, which was lost by him while travelling from France to Germany. It is stated that he was apprehended by the German authorities as he was travelling without necessary travel documents and was subsequently deported. The petitioner travelled back to India from Germany on

09.03.2017 on an Emergency Certificate bearing no.X-0687717 dated 02.02.2017, which was issued by the Indian High Commission in Germany.

4. On returning back to India, the petitioner applied for a passport once again, which has been declined by the RPO by the impugned order.

5. A plain reading of the impugned order indicates that the petitioner's application for a passport has been declined on the ground that he had applied for a political asylum in Frankfurt. According to the RPO, this was contrary to the letter and spirit of the petitioner's declaration that he owed allegiance to the sovereignty, unity and integrity of India.

6. It is well settled that passport facilities can be denied to the citizen of India in certain limited grounds as specified under the provisions of the Passport Act, 1967. The question whether the passport facilities can be denied on the ground that a citizen had applied for political asylum in another country was considered by this Court in ***Kulvir Singh v. Union of India & Anr.: 2014 SCC OnLine Del 7206***. Following the aforesaid decision, the Coordinate Bench of this Court had also allowed the writ petition in the case of ***Varinder Singh v. Union of India & Anr (W.P.(C) 11882/2015)*** and other matters.

7. The decisions of this Court were carried in appeal before the Division Bench of this Court, by the respondents, in various cases - ***Union of India & Anr. v. Satnam Singh (LPA 13/2016)***; ***Union of India & Anr. v. Amardip Singh (LPA 141/2016)***; and ***Union of India & Anr. v. Varinder Singh (LPA 159/2016)***. The said appeals have also been rejected by the Division Bench by a judgment rendered on 12.01.2018.

8. In the aforesaid circumstances, the controversy raised in this petition is squarely covered by the decisions of this Court in the aforementioned

matters.

9. The writ petition is, accordingly, allowed. The impugned order dated 08.05.2017 is set aside and respondent nos.2 & 3 are directed to process the petitioner's application for a passport as expeditiously as possible. The parties are left to bear their own costs.

VIBHU BAKHRU, J

JANUARY 24, 2018
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