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

+ W.P.(C) 1198/2018

SH. JARNAIL SINGH

..... Petitioner

Through: Mr. Satvinder Singh, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Sanjeev Sabharwal, Advocates
for R-1 to R-3

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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08.03.2018

1. This writ petition is directed against the order dated 28.2.2017. By virtue of this order, the respondents have declined to issue a passport to the petitioner.

2. As a matter of fact, it has been indicated in the impugned order that the respondents will not issue a passport to the petitioner for a period of five years from the date when he was deported i.e, till 13.12.2021.

3. A closer perusal of the impugned order would show that the reason given for coming to this conclusion is that the petitioner had sought political asylum in United Kingdom.

4. The record shows political asylum was ultimately refused to the petitioner and, consequently, he had to travel to India on an emergency certificate dated 6.10.2016.

5. Notice in this petition was issued on 9.2.2018. On that date, Mr. Sabharwal had accepted notice on behalf of the respondents no.1 to 3.

5.1 In the very same order it was indicated that the issue raised

in the instant petition was covered by a judgment of the Division Bench of this Court dated 12.1.2018, rendered in a batch of petitions; the lead petition being LPA No.13/2016, titled: *Union of India and Anr. v. Satnam Singh*. Resultantly, the matter was re-notified for 21.2.2018.

5.2 On that date, Mr. Sabharwal had once again sought opportunity to seek instructions in the matter. Accordingly, the matter was re-notified for today i.e., 8.3.2018.

5.3 Pertinently, on 21.2.2018 it was made clear that in case the instructions are received by Mr. Sabharwal to resist the petition, he will file a counter affidavit in the matter before the next date of hearing.

6. Mr. Sabharwal, has not filed a counter affidavit. He, however, concedes that the issue raised in the present writ petition is covered by the aforementioned judgment of the Division Bench of this Court.

7. Mr. Sabharwal, also informs me that the respondents intend to assail the Division Bench judgment by preferring a Special Leave Petition.

8. In view of the fact that, as of today, no Special Leave Petition has been filed, the judgement of the Division Bench is binding on this Court and, accordingly, the relief as sought for in the petition would have to be granted. It is directed accordingly.

9. Consequently, the impugned order dated 28.2.2017 passed by respondent no. 3 is set aside. Respondents will thus process the petitioner's application dated 29.12.2016 and issue a fresh passport to him in accordance with law.

10. Needless to say, this exercise will be done at the earliest, though not later than eight weeks from today.

11. No costs.

RAJIV SHAKDHER, J

MARCH 08, 2018

Nk/rb