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

+ W.P.(C) 1496/2018

DARSHANKKUMAR HASMUKH BHAI
PATEL

..... Petitioner

Through: Mr Rajiv Gupta, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Arun Bhardwaj, CGSC with Mr
Gaurav Rohilla, GP for R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.02.2018

1. Issue notice. The learned counsel appearing for the respondents accepts notice.
2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 24.11.2016 (hereafter 'the impugned order'), whereby the petitioner's application for a passport had been declined on the ground that the petitioner had applied for "Human Rights in UK".
3. The petitioner had travelled to United Kingdom on 09.02.2005 on a valid visa and under an Indian Passport. While in United Kingdom, the petitioner applied for a political asylum on 15.04.2014, which was rejected by the concerned authorities. Thereafter, the petitioner travelled back to India on an Emergency Certificate (EC-X0702079) dated 01.03.2016.
4. The petitioner asserts that after his return to India, he married a

British citizen on 01.05.2016 according to Hindu Rites. Thereafter, on 09.06.2016, the petitioner applied for a fresh passport.

5. The question whether an Indian citizen can be denied for a passport on the ground that he had applied for a political asylum in a foreign country was considered by this Court in ***Kulvir Singh v. Union of India & Anr.: W.P.(C) 4574/2014*** and other connected matters decided on 17.12.2014. This court had held that however deprecable the action of the petitioners in applying for political asylum may be, the same does not fall within the scope of “*activities prejudicial to sovereignty and integrity of India*”.

6. The Division Bench of this Court in a matter of ***Union of India & Anr. v. Satnam Singh: LPA 13/2016*** decided on 12.01.2018 has upheld the view expressed by this Court in ***Kulvir*** (*supra*).

7. In view of the above, the present petition is allowed. The respondents are directed to process the petitioner’s application for a passport within a period of eight weeks from today and in accordance with law.

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

VIBHU BAKHRU, J

FEBRUARY 16, 2018
MK