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

Judgment decided on: 17.04.2018

+ W.P.(C) 2572/2018

TENZIN RABGA

..... Petitioner

Through: Mr.Giriraj Subramaniam and
Mr.Simarpal Singh, Advs.

versus

MINISTRY OF EXTERNAL AFFAIRS & ANR Respondents

Through: Mr.Arun Bhardwaj and Mr.Nikhil
Bhardwaj, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. Notice in this petition was issued on 19.03.2018 with the following directions:

"1. The petitioner's limited grievance is that his identity certificate is not being renewed. According to the petitioner, the identity certificate which has been issued to him, expires on 4.5.2018.

2. Issue notice.

2.1 Mr. Nikhil Bhardwaj, Advocate accepts notice for respondents. Mr. Bhardwaj says that he will revert with instructions.

2.2. In case the instructions are given to resist the petition, the respondents will file a counter affidavit before the next date of hearing.

3. Renotify the matter on 17.4.2018".

2. Mr. Bhardwaj, who appears for the respondents, submits that despite several communications sent to the concerned officer, no instructions have

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been received. Resultantly, Mr. Bhardwaj submits that neither does he have instructions in the matter nor has he been able to file a counter affidavit as no comments were sent for preparing the same.

3. The reason that this matter was fixed today at an early date was that the petitioner required clarity as to whether or not the identity certificate issued to him would be renewed. It may be noted the petitioner is a person of Tibetan origin, who, presently, is pursuing a course in PHD, in Physics, at the Michigan State University, USA.

3.1 The petitioner avers that he was born in Shillong, in India, and his date of birth is 28.03.1991.

3.2 It is also the petitioner's case that he was issued by respondent No.1 an identity certificate bearing No.070097, dated 05.05.2008.

3.3 The petitioner, indicated above, states that on 04.05.2018, the identity certificate to which reference has been made above, would expire.

4. According to the petitioner, the identity certificate is the only travel document available with him in consonance with provisions of Section 4 (2)(b) of Passport Act, 1967.

5. It is also the petitioner's case that though a request for renewal of his identity certificate was made to Consulate General of India (Chicago), USA (Consulate) as far as back 25.10.2017, there has been no movement in the matter.

5.1 In support of this contention the petitioner has set out the following details in the petition:

(i) Webfile No.USACP052FD17.

(ii) Receipt no: USACR0007617.

5.2. It is the case of the petitioner that the aforesaid application was followed by a request to the Consulate to look into matter via an email dated 02.01.2018. The petitioner as it appears' practically, is at his wit's end as to what next is he required to do in the matter.

6. The petitioner says that there has been no response to his request for renewal of his identity certificate.

7. Given fact that no counter affidavit has been filed, this Court would have no option but to accept the averments made in the application which are backed by an affidavit.

7.1 Consequently, prayer made in the writ petition, is allowed. The respondents are directed to process the petitioner's application for renewal of his identity certificate.

8. This exercise will be completed within 10 days from today.

9. There shall be no order as to costs.

10. *Dasti* under the signatures of the Court Master.

RAJIV SHAKDHER, J

APRIL 17, 2018

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