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

+ W.P.(C) 5293/2018
TENZIN CHOEZIN

..... Petitioner

Through Mr. Simarpal Singh Sawhney and Mr.
Sidhant Krishan Singh, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. Akshay Makhija, CGSC with Ms.
Mahima Bahl and Ms. Kriti Awasthi,
Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **18.05.2018**

CM No.20544/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 5293/2018

2. Issue notice. Mr. Makhija accepts notice. In view of the order I propose to pass, he says he does not wish to file a counter affidavit in the matter.

3. It is not disputed before me by counsel for the parties that if the decisions of this Court were to be applied, then, the petitioner would be entitled to be considered for issuance of a passport.

4. The issue raised in a recent judgment dated 9.2.2018, passed in W.P.(C) 1023/2018, was titled: *Sonam Tashi vs. Union of India and Ors.* The facts obtaining in this case are no different.

5. Briefly, in this case the petitioner says that his father was born in Kulu, Himachal Pradesh (India), on 4.5.1960.

6. It is further averred in the petition that the petitioner was born in Mahendragada, Odisha (India), on 7.12.1994.

6.1 If these assertions are correct, then, to my mind, the ratio of aforementioned judgment would apply on all tours to the petitioner as well .

6.2 The other judgments of this Court which take the same view have been referred to in paragraph 6 of the very same judgment i.e. to *Sonal Tashi's case*.

7. Thus, the writ petition is disposed of with a direction to the respondents to consider the issuance of passport to the petitioner keeping in mind the ratio of the aforementioned judgment. This exercise will be carried out by the respondents at the earliest, though, not later than eight (8) weeks from the date of receipt of a copy of the order.

RAJIV SHAKDHER, J

MAY 18, 2018

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