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

+ W.P.(C) 7501/2018

DOLKAR KALSANG

..... Petitioner

Through: Mr Simarpal Singh Sawhney and Mr
Sidhant Krishan Singh, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Dev P. Bhardwaj, CGSC for UOI.
Mr Ripu Daman Bhardwaj, Advocate
for R-1 to R-3/UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **23.07.2018**

CM No.28636/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 7501/2018

2. Issue notice. The learned counsel appearing for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 19.04.2013 (hereafter 'the impugned order') passed by the Regional Passport Office, whereby the petitioner's passport bearing no.F8743439 issued on 15.06.2006 was revoked under Section 10(3)(b) of the Passport Act, 1967 (hereafter 'the Act'). The said section is set out below:-

“10. Variation, impounding and revocation of passports and

travel documents.

(3) The passport authority may impound or cause to be impounded or revoke a passport or travel document –

(a) XXXX XXXX XXXX

(b) If the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf:

Provided that if the holder of such passport obtains another passport, the passport authority shall also impound or cause to be impounded or revoke such other passport.”

4. The allegation against the petitioner is that the petitioner had incorrectly claimed that she was a citizen of India whereas she was in fact a Tibetan National.

5. In addition to the above, respondent no.2 has also imposed a penalty in the sum of ₹50,000/- under Section 12(1A)(a) of the Act.

6. The petitioner was born in Dharamshala, Himachal Pradesh on 05.10.1984 and thereby claims to be a citizen of this country by birth.

7. Concededly, the issue involved in the present petition is squarely covered by the decision of this Court in ***Namgyal Dolkar v. Government of India, Ministry of External Affairs: W.P.(C) 12179/2009, decided on 22.12.2010*** as well as ***Phuntsok Wangal v. Ministry of External Affairs & Ors.: (2016) 233 DLT 745***. For the reasons stated in those decisions, the present petition is allowed and the impugned order is set aside. The respondents are directed to forthwith restore the passport facilities to the

petitioner.

8. The petition is disposed of with the aforesaid directions.
9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JULY 23, 2018/MK