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

+ **W.P.(C) 7877/2018**

TENZIN DECHEN DESHAR

..... Petitioner

Through Mr. Giriraj Subramaniam, Mr. Simarpal
Singh Sawhney, Mr Sidhant Krishan Singh,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Sanjiv Narula, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.08.2018

1. The petitioner has filed the present petition, *inter alia*, being aggrieved by denial of the passport facilities.
2. The petitioner claims that she was born at Bylakuppe, Mysore District, Karnataka on 30.05.1986 and, therefore, in terms of Section 3(1) (a) of the Citizenship Act, 1955, she is a citizen of India by birth.
3. Since the parents of the petitioner were Tibetan origin, the petitioner was issued a Registration Certificate bearing No. 49/2004/Mys by the Foreigners Registration Officer & Superintendent of Police, Mysore District on 09.07.2004. Thereafter, on 29.05.2007, the petitioner was issued an Identity Certificate bearing no. 069453 by the Regional Passport Officer, Delhi.
4. The petitioner applied for a passport on 27.09.2016. However, the

petitioner has been denied the passport facility on the ground that she is a Tibetan National and her nationality is “doubtful”.

5. Concededly, the aforesaid issue is squarely covered by the decisions of this Court in *Namgyal Dolkar v. Govt. of India, Ministry of External Affairs: W.P (C) 12179/2009, decided on 22.12.2010* and *Phuntsok Wangyal v. Ministry of External Affairs & Ors: (2016) 233 DLT 745*. Mr Narula states that a circular has also been issued by the Ministry of External Affairs for issuance of a passport to persons born in India after the cut off date – that is, 01.07.1987.

6. The predicament of the petitioner is that although the petitioner has surrendered her Identity Certificate, she has been unable to surrender her Registration Certificate as the same has not been accepted by the FRRO, Mysore.

7. In view of the above, the petitioner’s statement that she would surrender the Registration Certificate is taken on record. The FRRO, Mysore is directed to accept the same. The petitioner’s application for a passport shall be processed. The petitioner’s application shall be processed within a period of eight weeks from the petitioner tendering her Registration Certificate to the concerned FRRO. It is clarified that the petitioner’s application will be processed irrespective of whether the FRRO accepts the Registration Certificate.

8. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

AUGUST 21, 2018/pkv