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

+ **W.P.(C) 7899/2018**

TENZIN CHOETSO

..... Petitioner

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

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Sanjeev Narula, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **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 Manali, Himachal Pradesh. on 06.11.1985 and, therefore, by virtue 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 of Tibetan origin, the petitioner was issued an Identity Certificate bearing no. Y0113697 by the Regional Passport Office, Delhi on 02.06.2016. Thereafter, on 26.04.2018, the petitioner was also issued a Registration Certificate bearing no. HP12/RCF/TBT/563/2018 by the Superintendent of Police, Foreigners Registration Office, Kullu District, Himachal Pradesh.
4. The petitioner applied for a passport on 29.05.2018. 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 decision 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 also states that a circular has also been issued by the Ministry of External Affairs for issuance of passport to persons born in India after the cut off date – that is, 01.07.1987.

6. The predicament of the petitioner is that she has been unable to surrender her Identity Certificate and Registration Certificate as the same have not been accepted by the FRRO, Kullu District, Himachal Pradesh.

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

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

VIBHU BAKHRU, J

AUGUST 21, 2018/pkv