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

+ W.P.(C) 6047/2017

DUKMO KEY

..... Petitioner

Through Mr. Simarpal Singh Sawhney, Adv.

versus

UNION OF INDIA AND ORS

..... Respondents

Through Mr. Rakesh Kumar, CGSC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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19.01.2018

The petitioner is aggrieved by the fact that he is not been issued a passport by the respondents even though he is a citizen of India. Notice in this petition was issued on 21st July, 2017. Pursuant to the issuance of notice, a counter affidavit and an additional affidavit has been filed on behalf of respondent no.2.

I am informed by the learned counsel for the respondent that the only objection to the issuance of passport to the petitioner which is taken is articulated in Paragraph 9 of the counter affidavit. For the sake of convenience, the averments made there in are extracted hereunder;

“Do the photographs and other particulars/details mentioned in the PP form tally?” as ‘NO’ instead of ‘YES’ with a remark that “Applicant’s given permanent address of PP form did not tally as it is not his/her own/parents/husbands home address. It is address of rented house’

I am further informed by learned counsel for the respondents that since no reply was furnished qua the show cause notice dated

22nd August, 2017, the petitioners file was closed. For this purpose, my attention has been drawn to the communication dated 28th September, 2017 addressed by respondent no.2 to the petitioner. On the other hand, learned counsel for the petitioner says that the reply was given and that the same has not been considered.

Be that as it may, the controversy in the present matter, it appears veers around the objection, which is, that since the petitioner did own a house and was staying in a rented house, his application for issuance of passport could not be processed. According to me, the objection taken by respondent no.2 is completely baseless. The objection is not based on any provision of the Passports Act or any rule and regulation framed thereunder. Counsel for the respondent no.2 says that he is unable to locate the objections to any statutory provision, rule or regulation framed for issuance of passports.

In these circumstances, I am inclined to hold that the objection taken by the respondent no.2, cannot come in the way of the petitioner being issued a passport. Consequently, the respondent no.2 is directed to reprocess the application of the petitioner for issuance of the passport. The said exercise will be completed at the earliest, though, not later than six weeks from today. If any further information is required from the petitioner, a written notice will be issued to him in that behalf indicating therein the information required and the date, time and venue where he is required to appear.

Dasti.

RAJIV SHAKDHER, J

JANUARY 19, 2018/*Pallavi/aj*