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

+ **W.P.(C) 35/2019**

PRABHJOT SINGH

..... Petitioner

Through Mr Vivek Bhardwaj, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through Mr Amit Mahajan, CGSC/UOI with

Ms Mallika Hiremath, Advocate.

Mr Tanya Aggarwal, Advocate for
Impleader.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.01.2019

CM 184/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P. C) 35/2019

3. Issue notice. Mr Mahajan, learned counsel appearing for the respondents accepts notice.
4. The petitioner has filed the present petition, inter alia, praying as under:-

“The respondents be directed to re-issue the passport to the petitioner in lieu of the old lost passport.”

5. It is the petitioner’s case that he had lost his passport while travelling in Ukraine. The petitioner also states that during his stay in Russia, he had

sought permanent residency in that country and had, accordingly, signed certain papers at the instance of the lawyer appointed by him. He states that he did not know the contents of the documents signed by him as they were in Russian. However, it appears that an application was made by the petitioner seeking political asylum. The said case was dismissed. The petitioner travelled to India on an emergency certificate (A 116221 dated 04.04.2017). On his return to India, the petitioner applied for re-issuance of his passport. It is the petitioner's grievance that his application has not been considered.

6. Mr Mahajan, learned counsel appearing for the respondent submits that the petitioner had made an application for issuance of passport to the office in Chandigarh and, therefore, this Court has no jurisdiction to entertain the present petition. The above contention is unmerited as it is seen from the record that the passport authorities in Chandigarh had sought instruction from the Ministry of External Affairs and, apparently, the said instructions are awaited. The decision whether a passport is to be issued to the petitioner in the circumstances is also dependent on the decision of the Central Government.

7. In view of the above, the petition is disposed of by directing the respondents to process the petitioner's application for re-issuance of his passport. In the event the same is to be denied to the petitioner, the reasons for the same shall be communicated to the petitioner. It is further directed that while processing the petitioner's application for re-issuance of the passport the respondent shall have due regard to the decisions rendered by the Division Bench of this Court in ***LPA No.13/2016*** captioned as ***Union of India and Anr. v. Satnam Singh*** and other connected matters.

8. The petition is disposed of in the aforesaid terms.
9. Order *dasti* under signature of the Court Master.

VIBHU BAKHRU, J

JANUARY 07, 2019

pkv