

\$~18

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1716/2019**

HAJRA TOPIA

..... Petitioner

Through Mr Ejaz Maqbool, Advocate with
Mr Raghavendra Bajaj, Mr Garima Bajaj,
Mr Akriti Chaubey, Mr Hunwar Aditya Singh,
Mr Sanskar Agarwal, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Vikas Mahajan, CGSC with Mr
Amit Kumar Dogra, GP for UOI/R1 to R4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

02.05.2019

1. The petitioner has filed the present petition impugning a communication dated 04.08.2016, whereby the petitioner's request for restoration of passport facilities was declined. The petitioner further prays that directions be issued to the respondents to issue a valid passport to the petitioner.
2. The petitioner's husband had applied for asylum with the authorities in France, which was subsequently withdrawn. He thereafter applied for citizenship of that country and was granted the same. The petitioner has been residing with her husband in France since 2009. It is further stated that the petitioner has three children – one of whom was born in India and two were born in France. All three children have also been accepted as citizens of France and French passports have been issued to them.
3. A plain reading of the impugned communication dated 04.08.2016

indicates that passport facilities have been denied to the petitioner on the premise that the petitioner had applied for asylum with the French Government, which was accepted and as a consequence of the same, the petitioner had lost her Indian citizenship.

4. In view of the above, the petitioner has furnished an affidavit affirming that she had never applied for an asylum in and has never done anything to sever her links with India. There is also no material available with the respondent which would establish to the contrary.

5. The assumption that a citizen who has been granted asylum overseas, ceases to be a citizen of this country may not be correct, however, it is not necessary to examine this question in this petition as the petitioner has neither applied for, nor has been granted asylum by the French Authorities. Since the premise on which the impugned communication has been issued is manifestly erroneous, the impugned communication is liable to be set aside.

6. In view of the above, the petition is allowed and the communication dated 04.08.2016 denying passport facilities to the petitioner is set aside.

7. The respondents are directed to process the petitioner's application for renewal/issuance of a passport as expeditiously as possible and, in any event, within a period of four weeks from today as this Court is informed that the petitioner has to appear before the French authorities on 07.06.2019 for retaining her residential status.

VIBHU BAKHRU, J

MAY 02, 2019/pkv