

V

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

W. P. (C) No. 45 OF 2016

Sonam Tashi,
S/o Palden Dorjee,
C.S.T, Ravangla, P. O. Ravangla,
District South Sikkim – 737 139. ----- Petitioner.

-VERSUS-

1. Union of India,
Represented by the Secretary,
Ministry of Home Affairs,
North Block, New Delhi – 110 001.
2. Union of India,
Represented by the Secretary,
Ministry of External Affairs,
Room No. 20, 1st Floor,
Patiala House Annexe, New Delhi – 110 001.
3. The Regional Passport Officer,
Ministry of External Affairs,
Regional Passport Officer,
4, Brabourne Road,
Kolkata – 700 001, West Bengal.
4. The Passport Granting Officer,
Ministry of External Affairs,
Regional Passport Office ,
4, Brabourne Road,
Kolkata – 700 001, West Bengal. ----- Respondents.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. Anmole Prasad, Sr. Advocate with Mr. Sagar Chettri.

RESPONDENT

ADVOCATE (S)

FOR -----

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
01.	19.10.16	W.P.(C) No. 45/2016 Sonam Tashi vs. Union of India & Ors. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, CJ. Present: Mr. Anmole Prasad, Sr. Advocate with Mr. Sagar Chettri, Advocate for the Petitioner. Mr. Karma Thinlay, Central Government Advocate for the Respondents. The petitioner is stated to be born on 01.08.1979 to Palden Dorjee (father) and Tashi Choezon (mother) at Kamleshwarpur, Teshil-Sitapur, Dist. - Surjuja, Chattisgarh, India. The parents of the petitioner migrated from Tibet and settled in Chattisgarh as Tibetan Refugees. After having completed his education, the petitioner was employed as Primary School Teacher and posted in Central School for Tibetan at Ravangla, South Sikkim. The petitioner made an application on 29.08.2013 for a Passport in Kolkata Office, which was registered under file No. CA2067427248514 and also paid the requisite fee. To utter surprise to the petitioner, the petitioner was informed that the file has been closed on some extraneous reasons. The learned Counsel appearing for the petitioner would contend that the petitioner is an Indian Citizen under the provisions of Section 3 (a) of the Citizenship Act,

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		1955. It is further submitted that the petitioner was enrolled as a voter and also given Aadhar card as well as PAN card issued by the Income Tax Department. Referring to a communiqué dated 07.02.2014 addressed to all the CEOs of all States/UTs, it is further urged by the learned counsel that the Election Commission of India has clearly notified that any children born to Tibetan Refugees in India shall be treated as Indian Citizens based on their birth in India, on or after 26th January, 1950 and before 1st July, 1987. The petitioner, having been already an Indian Citizen under the provisions of law, and also as notified by the constitutional authorities, there is no reason for the Passport Office to decline grant of Passport. Thus, this petition. Issue notice. Mr. Karma Thinlay, learned Central Govt. Advocate accepts notice on behalf of the respondents. The 3rd and 4th respondents are directed to re-open the file and examine the case. File an appropriate response thereafter within a period of four weeks. Call on 23.11.2016.  Chief Justice 19.10.2016