



2026:DHC:7542



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

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*Judgment reserved on: 25.08.2026**Judgment pronounced on: 01.09.2026**Judgment uploaded on: 05.09.2026*# **CNR No. DLHC010165102026**+ **W.P.(C) 5299/2026, CM APPL. 25981/2026 & CM APPL. 39227/2026**

ASAF ALI LONE

.....Petitioner

Through: Mr. Prasanna S., Mr. John Smite, Ms. Injila Muslim Zaidi, Mr. Maamidi Ashish Reddy, Mr. Prasanna B., Ms. Ishita Tulsyan, Advocates

versus

JOINT SECRETARY (PSP) CHIEF PASSPORT OFFICER
& ORS.

.....Respondents

Through: Mr. Rohan Jaitley, CGSC with Mr. Akshay Sharma, Mr. Dev Pratap Shahi, Mr. Varun Pratap Singh, Mr. Yogya Bhatia, Advocates for UOI.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The petitioner has instituted the present writ petition seeking the following reliefs:

“...a. Issue a writ of certiorari or any other appropriate



writ, order or direction quashing the appellate order bearing No. VIII/402/App-37/2026 dated 10.03.2026 passed by the Joint Secretary (Passport Seva Programme) and Chief Passport Officer, Ministry of External Affairs under Section 11 of the Passports Act, 1967, arising out of the refusal order bearing No. CAN/CW/MISC/35/2025 dated 11.12.2025 issued by the High Commission of India, Canberra.

b. Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to reconsider and decide the Petitioner's passport renewal application bearing File No. AU1075145265124...”

2. The petitioner challenges the order dated 10.03.2026 bearing No. VIII/402/App-37/2026 passed by respondent no. 1, i.e. the Office of Joint Secretary (PSP) & Chief Passport Officer [hereafter ‘**Chief Passport Officer**’] under Section 11 of the Passports Act, 1967 [hereafter ‘**Passports Act**’], whereby the petitioner’s statutory appeal has been rejected, thereby affirming the refusal order dated 11.12.2025 issued by respondent no. 2, i.e. High Commission of India, Canberra [hereafter ‘**HCI, Canberra**’] under Section 6(2)(b) of the Passports Act.

3. The petitioner states that he is an Indian citizen and is presently pursuing his studies at the Australian National University (ANU), Canberra. He had applied for renewal of his passport on 01.02.2024. His grievance is that, despite submission of a complete application, the same remained unprocessed for about eighteen months, without any reasons being disclosed to him or any decision being communicated by the concerned Passport Authority, i.e. HCI,



Canberra. In view of the prolonged inaction, the petitioner had approached this Court by way of W.P.(C) 14017/2025, seeking a direction to the respondents to forthwith process and decide his passport application in accordance with the Passports Act. During the pendency of the said proceedings, this Court, *vide* order dated 27.11.2025 passed in CM Appl. 73232/2025, directed the respondents to consider the petitioner's request for issuance of a short-validity passport within a period of three weeks. The said direction, however, was not complied with. Thereafter, HCI, Canberra issued the refusal order dated 11.12.2025, rejecting the petitioner's passport renewal application by invoking Section 6(2)(b) of the Passports Act on the basis of an alleged adverse Police Verification Report. The order dated 11.12.2025 passed by HCI, Canberra reads as under:

"2. Whereas you had applied for renewal of passport to this office vide passport Application Reference No 24-2000530562 dated 01/02/2024 via.VFS Canberra.

3. Whereas the personal particulars of passport file were forwarded to J&K Police authorities for verification of character and antecedent on 05/02/2024 sought Under Section 5 (2) of Passport Act 1967.

4. Whereas the J&K Police authorities uploaded adverse Police Verification Report (Not Recommended) on the Passport portal on 26.06.2024 with reference to part (B) of Police Verification Report (relating to indulgence or likely to indulge in activities which are prejudicial to the sovereignty and integrity of India & the security of India, friendly relations of India with any foreign country or the interest of general public).

5. Whereas you were informed about the adverse report "Not Recommended" on 27/06/2024 and 05/08/2025.



6. In light of adverse Police Verification report, your case was found to attract Section 6 (2) (b) of the Passport Act 1967. Pertinent to mention here that Clear Pre-Police Verification Report is mandatory for issuance of Passports.

7. In light of the above facts your application for renewal of Passport is **REFUSED**.

8. In case, you wish to go for an appeal against this order, you may appeal to the Joint Secretary (PSP) and Chief Passport Officer, Ministry of External Affairs, Patiala House, New Delhi within 30 days from the date of the receipt of the order.”

4. Aggrieved by the aforesaid refusal order, the petitioner preferred a statutory appeal under Section 11 of the Passports Act before the Chief Passport Officer. The said appeal came to be rejected *vide* impugned order dated 10.03.2026, which reads as under:

“5. **And now, therefore**, having gone through all the records and in the light of the full facts and circumstances of the case, I, as the Appellate Authority, as per the provisions u/s 11 of the Passports Act, 1967, decide the appeal as under:-

(i) HCI, Canberra received adverse Police report dated 26.06.2024 against the appellant from concerned Police Authorities in Jammu & Kashmir.

(ii) In the wake of adverse police report against the appellant, HCI, vide Order dated 11.12.2025, refused the appellant's passport application No. AU1075145265124 dated 01.02.2024 u/s 6(2)(b) of the Passports Act, 1967.

(iii) Since a Clear police report is mandatory for issuance of passport, the action of HCI in refusing the appellant's passport application u/s 6(2)(b) of the Passports Act, 1967 is in order.

(iv) Appeal is not allowed.”

5. The learned counsel appearing for the petitioner submits that



the refusal order dated 11.12.2025 does not disclose any material, particulars or reasons demonstrating how the requirements of Section 6(2)(b) of the Passports Act are satisfied. He contends that the order merely relies upon the adverse Police Verification Report, which has never been furnished to the petitioner, and does not disclose any material linking him to any activity prejudicial to the sovereignty and integrity of India. According to him, reliance on undisclosed and unsubstantiated material renders the refusal order *ex facie* unreasoned and mechanical. It is further argued that the Passport Authority has failed to discharge its statutory obligations under Sections 5(2) and 6(2) of the Passports Act, as it has neither applied its mind to the petitioner's application nor undertaken the requisite inquiry or recorded adequate reasons for its refusal. The learned counsel points out that the petitioner has no criminal antecedents or pending proceedings and has never suffered any disqualification or impounding of his passport under the Passports Act. He also refers to the fact that the petitioner was issued a valid passport on 13.03.2014 and a Police Clearance Certificate on 05.01.2024, shortly before the present application. The learned counsel submits that the statutory appeal dated 09.01.2026 under Section 11 of the Passports Act has also been decided in violation of the mandatory procedure prescribed under Section 11(5) of the Passports Act read with Rule 16 of the Passports Rules, 1980. He contends that no opportunity of hearing, either personally or through counsel, was afforded to the petitioner



before the appeal was rejected, despite the proviso to Section 11(5) mandating that an appeal shall not be decided without affording such opportunity. The same, according to him, constitutes a violation of the principles of natural justice. It is further argued that the impugned order dated 10.03.2026 suffers from non-application of mind, as it merely reiterates the refusal order and the existence of the adverse Police Verification Report, without independently examining the material or recording reasons for affirming the refusal. The learned counsel submits that continued non-disclosure of the adverse report, coupled with the denial of an opportunity of hearing, vitiates the appellate process and renders the statutory remedy illusory. The learned counsel for the petitioner also contends that the impugned order is violative of Articles 14 and 21 of the Constitution of India. He contends that the right to travel abroad and to hold a passport constitutes an integral facet of personal liberty and that any restriction thereon must satisfy the requirements of fairness and non-arbitrariness. He further submits that the continued denial of a valid passport has caused grave and continuing prejudice to the petitioner, affecting his academic progress, professional opportunities, financial stability and legal status abroad. The learned counsel for the petitioner further argues that the conduct of the respondents is also contrary to the specific directions issued by this Court *vide* order dated 09.02.2026 in W.P.(C) No. 14017/2025, whereby the respondents were directed to “dispose of the petitioner’s pending



appeal by passing a reasoned order after affording an opportunity of hearing to the petitioner with due expedition not beyond the four weeks from the date of receipt of the order passed today”. He, therefore, seeks quashing of the impugned order dated 10.03.2026 affirming the refusal order dated 11.12.2025, along with consequential directions to the respondents to act in accordance with law.

6. Counter affidavit has been filed on behalf of respondent nos. 1 and 2. The learned CGSC appearing for the respondents submits that, in the present case, the Police Verification Report was received by HCI, Canberra on 26.06.2024 and was marked ‘Not Recommended’ on grounds relating to the sovereignty and integrity of India and the security of India. In this regard, he draws the attention of this Court to paragraphs 4 to 6 of the refusal order dated 11.12.2025 passed by HCI, Canberra. The learned CGSC further submits that under Section 5 of the Passports Act, the Passport Authority is required to make such inquiry as it considers necessary for examining an application for issuance of a passport and, upon such inquiry, to refuse the application where the case falls within the grounds specified under Section 6. He particularly refers to Section 5(2)(c) and 6(2)(b) of the Passports Act, which reads as under:

“5. Applications for passports, travel documents, etc, and orders thereon.—

(1) x x x x x x

(2) On receipt of an application under this section, the passport



authority, after making such inquiry, if any, as it may consider necessary shall, subject to the other provisions of this Act, by order in writing —

- (a) x x x x x x
- (b) x x x x x x
- (c) refuse to issue the passport.”

6. Refusal of passports, travel documents, etc.—

- (1) x x x x x x
- (2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:—
 - (a) x x x x x x
 - (b) sovereignty and integrity of India...”

7. It is submitted that, pursuant to the statutory inquiry, the Passport Authority sought verification from the concerned Police Authorities in Jammu & Kashmir, who, upon conducting the requisite verification, submitted an adverse report marking the petitioner’s application as ‘Not Recommended’. The learned CGSC points out that, in response to the specific query in Part B of the Police Verification Report as to whether the applicant had indulged or was likely to indulge in activities prejudicial to the sovereignty and integrity of India, security of India, friendly relations with any foreign country or the interests of the general public, the answer was marked ‘Yes’. He contends that, in view of the said report, the petitioner’s application was rightly refused under Section 6(2)(b) of the Passports Act. The learned CGSC further contends that the



petitioner had thereafter preferred a statutory appeal under Section 11 of the Passports Act before the Chief Passport Officer and that the appellate authority had examined the petitioner's submissions as well as the material placed by the Passport Authority, including the Police Verification Report and the relevant provisions of the Passports Act, and, upon consideration of the same, it had upheld the refusal order. It is, therefore, argued that the impugned order does not suffer from any illegality or infirmity warranting interference by this Court.

8. This Court has **heard** arguments addressed on behalf of both the parties, and has perused the material available on record.

9. At the outset, it is apposite to note that during the course of arguments, the learned counsel appearing for the petitioner was asked as to why the Criminal Investigation Department (CID), which has prepared the Police Verification Report, had not been impleaded as a party. He however stated that he did not consider such impleadment necessary, as, according to him, the inquiry contemplated under Section 5(2) of the Passports Act is required to be undertaken independently by the Passport Authority, which cannot rely solely upon the Police Verification Report. He also contended that the fact that the Police Verification Report and the underlying verification have originated from the State of Jammu and Kashmir does not oust the jurisdiction of this Court to examine the impugned orders passed by the Passport Authorities.

10. Be that as it may, and without going into the issue of non-



joinder of necessary parties at this stage, and having heard the learned counsel for the parties, this Court finds that under Section 5(2) of the Passports Act, the Passport Authority is required to make *such inquiry as it may consider necessary* before deciding an application for issuance or renewal of a passport. The inquiry contemplated under the provision cannot, however, be understood as one which excludes the Police Verification Report obtained from the concerned police authorities. On the contrary, under the scheme of the Passports Act and the applicable rules, police verification constitutes an important part of the inquiry undertaken by the Passport Authority, particularly for ascertaining the character and antecedents of an applicant and examining whether any of the grounds contemplated under Section 6 are attracted.

11. Section 6(2) of the Passports Act further provides that a passport *shall be refused* where the grounds mentioned in the said provision are satisfied, including where the issuance of such passport would not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or the interests of the general public. In this statutory framework, the Police Verification Report cannot be treated as not relevant to the decision-making process of the Passport Authority. The police authorities, being responsible for maintaining records and conducting verification within their jurisdiction, are ordinarily the appropriate authority to ascertain the antecedents and other relevant



particulars of an applicant residing or having resided in a particular area.

12. Therefore, while the Passport Authority is required to independently apply its mind to the application and the material available before it, such independent consideration cannot imply that the Passport Authority is required to disregard or undertake afresh the factual verification carried out by the concerned police authorities. The Police Verification Report is a relevant and material component of the inquiry contemplated under Section 5 of the Passports Act and, where the same contains an adverse finding on matters falling within Section 6(2), the Passport Authority is entitled to take such report into consideration while determining whether the passport ought to be issued or renewed.

13. This Court is also of the opinion that the Passport Authority, in the course of such inquiry, would ordinarily have no independent mechanism to undertake the kind of police verification or verification of antecedents which is carried out by the concerned police authorities. The Passport Authority is, therefore, entitled to take into consideration the Police Verification Report while forming its opinion on an application for issuance or renewal of a passport. Thus, the mere fact that the Passport Authority has relied upon an adverse Police Verification Report cannot, by itself, be a ground to fault the decision-making process. At the same time, such reliance has to be in accordance with the statutory procedure and the principles of natural



justice governing the decision.

14. This Court also finds substance in the submission of the learned CGSC that Sections 5 and 6 of the Passports Act use the expression ‘shall’ in prescribing the manner in which the Passport Authority is to deal with an application where the statutory conditions for refusal are attracted. As noted above, in particular, Section 6(2) sets out circumstances in which a passport is required to be refused, including where its issuance would not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or the interests of the general public. Therefore, once the competent authority, upon consideration of the relevant material, arrives at a conclusion that any of the grounds contemplated under Section 6(2) is attracted, the Passport Authority cannot disregard the statutory mandate merely on the ground that the applicant seeks issuance or renewal of the passport.

15. However, the statutory mandate to refuse a passport where the conditions under Section 6(2) are attracted does not dispense with the procedural safeguards prescribed under the Passports Act and the Passports Rules. In this regard, Rule 16 of the Passports Rules, 1980 is of significance, as it contemplates an opportunity of hearing to the applicant before the final decision is taken in an appeal. The said Rule reads as under:

“16. Procedure to be followed by appellate authority — On



receipt of an appeal, the appellate authority may call for the records of the case from the authority which passed the order appealed against and after giving the appellant a reasonable opportunity of representing his case, pass final order.

16. The requirement of hearing becomes particularly relevant in a case such as the present, where the adverse Police Verification Report constitutes the principal basis for refusal and the petitioner disputes the material and circumstances underlying such report. In this regard, it is also pertinent to take note of the order dated 09.02.2026 passed by this Court in *W.P.(C) No. 14017/2025*, whereby the respondents were specifically directed to dispose of the petitioner's pending appeal by passing a reasoned order after affording him an opportunity of hearing.

17. In view of the aforesaid discussion, this Court is of the opinion that the petitioner's statutory appeal requires fresh consideration by the appellate authority. Accordingly, the matter is remanded back to the appellate authority for deciding the petitioner's appeal afresh, after affording him a reasonable opportunity of hearing in terms of Rule 16 of the Passports Rules. Since the petitioner is presently residing abroad, such opportunity of hearing may be afforded to him through video-conferencing. The appellate authority shall thereafter pass a fresh order in accordance with law, within a period of 10 (ten) weeks from date.

18. It is clarified that this Court has not expressed any opinion on the merits or otherwise of the adverse Police Verification Report, and



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all such issues are left open for consideration by the appellate authority.

19. The petition is disposed of in above terms, alongwith pending applications.

20. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
SEPTEMBER 1, 2026/zp/A