

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 20592 of 2015
Date of Decision: September 28, 2015

M/s Puneet Fashions Pvt. Ltd. and others

... Petitioners

Versus

The Regional Passport Officer and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Manish Jain, Advocate,
for the petitioners.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing letters dated 25.08.2015 (Annexure P/1) issued by respondent no.1 at the behest of respondent no.2, whereby petitioners have been directed to surrender their passports.

I have heard learned counsel for the petitioners.

Learned counsel for the petitioners contends that after receipt of notices, the petitioners approached the Debts Recovery Tribunal-II, Chandigarh (hereinafter referred to as the "Tribunal"). The Tribunal vide order dated 09.09.2015 dismissed the application and

“This is an application against the letter written by the Regional Passport Officer, Chandigarh to the defendants to surrender their passports.

This Court has no jurisdiction in this matter. The defendants if so advised may approach the appropriate authority for the remedy available to them.

As such IA No. 1053 of 2015 is dismissed being not maintainable.

List on 14.12.2015.”

Since, there is specific remedy of appeal against the order passed by the Tribunal, the petitioners can approach the appellate authority, not this Court by way of the writ jurisdiction.

Hon'ble Supreme Court in **Cicily Kallarckal vs. Vehicle Factory, (2012) 8 SCC, 524**, has held as under:-

“4. Despite this, we cannot help but state in absolute terms that it is not appropriate for the High Courts to entertain writ petitions under [Article 226](#) of the Constitution of India against the orders passed by the Commission, as a statutory appeal is provided and lies to this Court under the provisions of the [Consumer Protection Act, 1986](#). Once the legislature has provided for a statutory appeal to a higher court, it cannot be proper exercise of jurisdiction to permit the parties to by pass the statutory appeal to such higher court and entertain petitions in exercise of its powers under [Article 226](#) of the Constitution of India. Even in the present

case, the High Court has not exercised its jurisdiction. It is not expected of us to deal with this issue at any greater length as we are dismissing this petition on other grounds."

Applying the ratio of law laid down in **Cicily Kallarckal's** (*supra*), I am of the view that instant writ petition is not maintainable. The petitioners can approach the competent authority as provided in the Act.

Faced with this situation, learned counsel for the petitioners states that liberty may be granted to the petitioners to file an appeal before the appropriate authority in accordance with law.

Instant petition is disposed of with the liberty as prayed for.

In the peculiar facts and circumstances of the case and keeping in view the fact that petitioners want to file an appeal, it is directed that the passports of the petitioners shall not be taken in custody by the passport authority for a period of one week from today.

September 28, 2015
vkd

[Paramjeet Singh]
Judge