

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 24698 of 2014
Date of Decision: August 18, 2015

Sukhwant Singh

... Petitioner

Versus

Union of India and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Abhishek Sharma, Advocate,
for the petitioner.

Mr. Indresh Goel, Advocate,
for the respondents.

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 mandamus directing the respondents-authorities for issuance of passport to the petitioner with immediate effect against his file No. JAL070300699311 applied on 14.12.2011.

I need not narrate the entire facts of the case. Brief facts of the case are that petitioner went to U.K. in the year 1996 against a valid passport No. R950941 dated 02.04.1994 which was valid upto

01.04.2004. Thereafter, the case of the petitioner has been kept pending

under “Prior Approval Category” for a period of 5 years w.e.f. 23.11.2011 under Sections 5(2) and 6(2)(b&d) of the Passports Act, 1967 as a preventive action. Feeling dis-satisfied with the said order, petitioner has approached this Court to seek a direction to the respondents authorities to issue his passport.

I have heard learned counsel for the parties and perused the record.

Admittedly, the case of the petitioner has not been rejected for all times to come. However, it has only been withheld for 5 years which period will be over on 22.11.2016. Against the order keeping the passport under “Prior Approval Category”, the petitioner has a right to file an appeal under Section 11 of the Passports Act, 1967. Since the petitioner had alternative remedy of filing an appeal, he should have availed that. However, inadvertently, the petitioner has filed the present writ petition.

Learned counsel for the petitioner submits that liberty may be granted to the petitioner to file an appeal and direction may be issued to the respondents to decide the same expeditiously.

Learned counsel for the respondents states that he has no objection to the prayer of the counsel for the petitioner.

In the peculiar facts and circumstances of the case, this Court deems it fit and proper that respondents-authorities be directed to decide the appeal instead of raising objection of limitation of filing the appeal. Accordingly, it is directed that if the appeal is filed within one month from today before the concerned authority, the same shall be decided on merit expeditiously, preferably within a period of three months from the date of filing of appeal and objection of limitation shall not be taken into consideration.

Disposed of accordingly.

August 18, 2015
vkd

[Paramjeet Singh]
Judge