

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Writ Petition No.4412 of 2015

Date of Decision: March 13, 2015

Kamal Mahajan

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. G.S. Attariwala, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the passport No.B 1089332 was issued to the petitioner on 22.11.1999, which was valid up to 21.11.2009. On the expiry of the said passport, petitioner again applied for reissue of his passport online on 24.02.2014 vide file No.AS1077588309414. Thereafter the respondents vide communication dated 16.06.2014 (Annexure P-5) sought information with regard to the criminal case registered against the petitioner and whether the petitioner was possessing another passport, to which the petitioner categorically stated that the said case was pending against him, however, an appeal has been preferred by him after the conviction, in which the petitioner has been released on bail. Qua the fact that he was possessing another passport, he outrightly denied the same. This information was given on 27.06.2014 (Annexure P-6). Thereafter petitioner had been making efforts to get a decision on the application submitted by the petitioner for reissue of his passport, but till date, no final decision thereon has been taken except that he has been informed under the Right of Information Act that a police

verification report, which has been received from the Commissioner of Police, Amritsar dated 16.07.2014, who has remarked that FIR case No.22/12, Police Station Kotli Surat Malhi Batala registered against the petitioner is pending in the Punjab and Haryana High Court. Counsel contends that the petitioner has a fundamental right for issuance of a passport and merely because an FIR has been registered against him, in which he has been convicted and now an appeal has been preferred by him, where again bail has been granted to him, cannot be a ground for denying him the passport. He further states that because of non-taking of decision upon the application submitted by the petitioner dated 24.02.2014 (Annexure P-2), petitioner is unable to proceed further in the matter.

In view of the above, without going into the merits of the case or commenting thereon, the present petition is disposed with directions to the Regional Passport Officer, Amritsar-respondent No.2, to consider and decide the application dated 24.02.2014 (Annexure P-2) within a period of four weeks from the date of certified copy of the order. Decision so taken be conveyed to the petitioner. In case the application of the petitioner is accepted, the passport be issued to him preferably within a further period of six weeks after completion of the formalities.

March 13, 2015*Puneet***(AUGUSTINE GEORGE MASIH)
JUDGE**