

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

**CWP No.4118 of 2017
Date of Order: 06.12.2017**

Baldev Singh

....Petitioner

Versus

Union of India and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present : Mr. S.K. Chaudhary, Advocate for the petitioner.

Mr. Indresh Goyal, Advocate for the respondents.

RAKESH KUMAR JAIN, J (ORAL)

The petitioner has prayed for the issuance of a writ in the nature of Certiorari for setting aside the order dated 23.2.2016 by which the application filed by him for renewal of his passport has been declined and also for seeking a writ of Mandamus for directing respondent No.2 to consider his representation dated 01.9.2016 in this respect.

In brief, the petitioner was having a valid passport from 10.3.2006 to 09.3.2016. It is alleged that in the year 2015, the petitioner got Visa for Canada. He went to Canada, stayed there for two weeks and returned to India. Thereafter, he applied for renewal of his passport in the first week of January 2016 since his passport was to expire on 09.3.2016. The Passport Authorities issued a letter to the petitioner on 04.2.2016, alleging that there is a criminal case registered against him, which is still under trial. He was asked to furnish the final judgment/order passed in that case besides giving details qua possessing another passport. The petitioner gave reply to the information sought by the Passport Authorities and

ultimately vide its order dated 23.1.2016, the application of the petitioner for renewal of passport was declined. The petitioner thereafter made a representation to the respondents on 01.9.2016. Since the representation was not decided, therefore, the petitioner filed a writ petition bearing CWP No.18623 of 2016 which was however, withdrawn on 8.9.2016.

Now the petitioner has again approached this Court with the prayer that the said representation dated 1.9.2016 is still not decided by the respondents and they are not renewing the passport as well.

The respondents have filed reply in which it is categorically mentioned that one FIR No.38 dated 1.5.2015 under Sections 379/447/511/506/148/149 IPC and Section 3/4 of SC and ST Act has been registered at P.S.Mehna against the petitioner. It is also averred that the petitioner has preferred this petition on the same cause of action in respect of which he had earlier filed CWP No.18623 of 2016, therefore, the present writ petition is not maintainable.

Learned counsel for the respondents has submitted that the passport Authority can refuse passport to the petitioner in terms of Section 6 (2)(f) of Passports Act, 1967 (for short 'the Act').

On the other hand, learned counsel for the petitioner has submitted that the present petition is maintainable because he had earlier withdrawn the writ petition because his representation was pending but since the respondents did not decide his representation, this petition has been filed with the same prayer for issuance of a direction to respondent No.2 to decide his representation. Insofar as pendency of criminal case is concerned, it submitted that the said case is not registered against him but many other persons as well.

I have heard learned counsel for the parties and after perusal of the record, am of the considered opinion that there is no merit in the petition and the same deserves to be dismissed.

Section 6 of the Act deals with the refusal of passports, travel documents etc. and Section 6(2) empowers the passport authority to refuse to issue a passport or travel document for visiting any foreign country on any of the grounds as provided in Clauses (a) to (i) of sub section 2 of Section 6 of the Act. Meaning thereby the passport authority cannot refuse to issue passport on any ground other than the one provided in Section 6 (2) (a) to (i) of the Act. Since a criminal case is pending against the petitioner before the criminal Court in India, therefore, Section 6(2) (f) specifically applies to his case which provides that “proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India”. The very fact that the Criminal case is still pending and has not culminated into acquittal of the petitioner, therefore, the petitioner is not entitled for renewal of his passport which has rightly been declined by the respondents.

Consequently, I do not find any ground to interfere.

Dismissed.

December 06, 2017
manoj

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No