

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

**L.P.A. No.1823 of 2016 (O&M)
Decided on : 14.07.2017**

The Passport Officer and another

... Appellants

Versus

Nitin Dihana

... Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Indresh Goel, Advocate,
for the appellants.

Mr. Aditya Dassana, Advocate, for
Mr. C.L.Verma, Advocate,
for the respondent.

MAHESH GROVER, J.

The present appeal has largely been rendered infructuous. The respondent had applied for a passport which was declined to him on the ground that for a period of 5 years, he had been debarred from such a document in view of the history of the respondent attempting to seek asylum in a foreign country. Learned Single Judge had accepted the plea of the writ petitioner and directed release of the passport. Embargo of 5 years for consideration to the respondent for issuance of a passport now stands extinguished by efflux of time which would entitle him to consideration.

Learned counsel for the appellant has submitted likewise and the learned counsel representing the respondent does not controvert the factual position.

Consequently, we are of the opinion that the appeal has been rendered infructuous and disposed of as such. However, we make it clear that automatic release of the passport would not be a feasible course as directed by the learned Single Judge and while disposing of the appeal, it is mandated that the respondent would be entitled to fresh consideration since he has been liberated of the embargo.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

July 14, 2016

Paritosh Kumar

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No