

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

CWP No. 13336 of 2017

Date of Decision: 23.01.2018

NAVEEN SACHDEVA

.....Petitioner

V/S

UNION OF INDIA, THROUGH MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Abhinav Oberoi, Advocate,
for the petitioner.

Mr. Indresh Goyal, Advocate,
for the respondent-UOI

Ms. Bhavna Gupta, DAG, Punjab.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner had applied for a passport on 04.08.2015 and was given an appointment before the passport authorities on 18.08.2015. He was informed at that time that he is already holding a passport No. G7662003 issued on 05.03.2008, but he denied it by way of an affidavit dated 19.08.2015 and appeared again on 21.08.2015 before the Passport Officer but he did not decide the matter and kept it on hold and therefore, the petitioner has approached this Court for the issuance of a writ in the nature of mandamus for directing the respondent No. 1 and 2 to issue passport to him.

The petitioner has reported the matter to the Senior Superintendent of Police, Patiala, about the passport No. G7662003 dated 05.03.2008 being fake. The SSP, Patiala marked an enquiry to DSP, City II, Patiala and it was discovered during the investigation that some unknown

persons have obtained the passport by submitting documents of the petitioner.

In the reply on behalf of respondents No. 3 and 4, filed in the Court today, it is averred that during the course of investigation, it has been found that the petitioner has strained relations with his wife Ekta Sachdeva, who was a Teacher and was working with one Gurcharan Singh to whom she had given the documents of the petitioner, on the basis of which Gurcharan Singh has obtained the passport by submitting the particulars of the petitioner though with his photograph.

Ekta Sachdeva has already got divorce from the petitioner and gone abroad. After investigation in the complaint, FIR No. 244 dated 19.08.2017 under Sections 419, 420, 465, 468 and 471 of the Indian Penal Code and Section 12 of the Passport Act, 1967 was registered at Police Station Tripuri, District Patiala against Gurcharan Singh son of Jang Singh.

Learned counsel for respondent No. 1 and 2 has submitted that in any case, the petitioner cannot be allowed to have two passports in the same name/particulars.

During the course of hearing, I have enquired from the State Counsel as to whether the passport issued in 2008 in the name of the petitioner is having the photograph of the petitioner? In reply, the State counsel, on instructions from HC-Ravinder Singh, who is having the record, has submitted that in the passport issued in 2008, the photograph is of Gurcharan Singh and not of the petitioner.

Be that as it may, the petitioner cannot be allowed to hold two passports in his name. Therefore, the present petition is disposed with a direction to respondent No. 2 to look into the matter narrated hereinabove,

and before issuing passport in the name of the petitioner, cancel the passport issued in 2008, bearing No. G7662003, which has also been issued in his name though with the photograph of Gurcharan Singh. While cancelling the passport, he would make an endorsement that it is cancelled only for the purposes of issuing new passport in the name of the petitioner otherwise the said passport would be a case property in the case registered vide FIR No. 244 dated 19.08.2017 in which investigation is being carried out and has to be taken to a logical end.

With these observations, the present petition is disposed of.

January 23, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

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