

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

CWP No.14254 of 2018
Date of Decision:30.05.2018

Nishan Singh Kahlon

. Petitioner

Vs.

Union of India and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Harshit Jain, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

This petition is directed against the impounding of the passport in terms of Section 10(3) of the Passports Act, 1967 [for short 'the Act'].

Learned counsel for the petitioner has submitted that the passport has been impounded by the migration authority but he has failed to deny the fact that it has been impounded in terms of Section 10(3) of the Act, therefore, in view of Section 11 of the Act read with Rules 14, 15 & 16 of the Passports Rules, 1980 [for short 'the Rules'] appeal would lie. Hence, once the petitioner has a statutory remedy of appeal under the Rules, he cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Faced with this observation, learned counsel for the petitioner prays for withdrawal of the petition with liberty to avail the remedy of appeal at the first instance.

As a parting note, in case any such appeal is filed, the same shall be decided expeditiously.

Dismissed as withdrawn.

Liberty granted.

30.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*