

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

CWP-17461-2017 (O&M)
Date of decision : 05.10.2018

Gurnam Singh

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Mr. Pawan Kumar Longia, Advocate,
for respondent Nos.1 and 3.

Ms. Anju Sharma Kaushik, DAG, Punjab.

JITENDRA CHAUHAN, J.

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, *inter alia*, is for issuance of a writ in the nature of Mandamus, directing respondent No.2 to clear the police verification report in favour of the petitioner and further to direct respondent No.3 to issue Passport to the petitioner.

It has been averred in the petition that the petitioner was falsely implicated in five criminal cases and at present no case is pending against him. Earlier also, the petitioner approached this Court by way of filing CWP-18711-2016, which was decided by this Court vide order dated 08.09.2016 with the direction to the respondents to consider and decide the representation so moved by the petitioner within a stipulated period, in accordance with law. Thereafter, the petitioner moved representation dated

29.09.2016 (Annexure P-1) which stands rejected vide order dated 30.09.2016 (Annexure P-2) on the ground that respondent No.2 did not recommend the case of the petitioner for issuance of Passport.

On the other hand, learned counsel for respondent Nos.1 and 3 submits that the petitioner suppressed the material information with regard to his conviction in a criminal case at the time of making application for issuance of Passport. It is further submitted that the petitioner has not availed the alternate remedy available to him under Section 11A of the Passports Act, 1967.

Learned State counsel refers to status report dated 05.09.2017 to contend that the petitioner is a person of criminal antecedents and involved in as many as eight FIRs detailed therein.

Heard.

On the application made by the petitioner, he was issued Passport subject to pre-police verification. However, respondent No.2- Senior Superintendent of Police, Hoshiarpur, did not recommend his case on the ground that the petitioner was a convict in FIR No.144 dated 18.09.2007, registered under Sections 323 and 325 read with Section 34 of the Indian Penal Code, at P.S. Mukerian. Therefore, at the time of moving application for issuance of Passport, the petitioner suppressed this material information with regard to his involvement and subsequent conviction in a criminal case. A perusal of the status report dated 05.09.2017 reveals that the petitioner has been involved in as many as eight FIRs.

Moreover, the petitioner has approached this Court without availing the alternate efficacious remedy available to him under Section

11A of the Passports Act, which reads thus:-

Section 11 in The Passports Act, 1967

11. Appeals.—

[\(1\)](#)Any person aggrieved by an order of the passport authority under clause (b) or clause (c) of sub-section (2) of section 5 or clause (b) of the proviso to section 7 or sub-section (1), or sub-section (3) of section 10 or by an order under sub-section (6) of section 10 of the authority to whom the passport authority is subordinate, may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed: Provided that no appeal shall lie against any order made by the Central Government.

[\(2\)](#)No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor: Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

[\(3\)](#)The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963 (36 of 1963), with respect to the computation of the periods of limitation thereunder.

[\(4\)](#)Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the statement of the reasons for the order appealed against where such copy has been furnished to the appellant and by such fee as may be prescribed for meeting the expenses that may be incurred in calling for relevant records and for connected services.

[\(5\)](#)In disposing of an appeal, the appellate authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of representing his case.

(6)Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

In view of the fact that the petitioner did not approach the Passport Authorities with clean hands as he suppressed the material information of his being a previous convict and non-availing of the alternate efficacious remedy of filing appeal under Section 11A of the Passports Act, the instant petition is hereby dismissed.

05.10.2018

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No