

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 8333 of 2021

Date of Decision: 19.04.2021

Balwinder Kaur and Another

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Anil Kshetarpal, J.

The petitioners have filed this writ petition under Article 226 of the Constitution of India, for issuance of a writ in the nature of mandamus directing the respondent No.2 to issue a fresh passport to the petitioner No.1 and to re-issue a passport to the petitioner No.2.

In the writ petition, it has been alleged that the petitioners were falsely implicated in the FIR No. 177 dated 04.08.2013, registered under Section 353, 332, 224, 186 & 34 IPC, at Police Station Sultanwind, Amritsar. Section 333 IPC was added later on. The police, after investigation, presented a final report on 18.03.2012. However, the petitioners were found not involved in the crime and therefore, they were kept in column No.2. It has been alleged that apart from the aforesaid case, the petitioners have no criminal antecedents.

The petitioners alleged that the applications for issuance of passport as also for re-issuance of passport are not being decided by the respondent-authorities.

Notice of motion.

On the request of the Court, Mr. Karan Jund, Advocate, appearing through video conferencing, accepts notice on behalf of respondent No.1 and 2.

Keeping in view the facts of the case and the nature of the order which this Court proposes to pass, it is considered appropriate to dispose of the writ petition at this stage.

After having heard learned counsel for the parties, it is considered appropriate to direct the Regional Passport Officer, Amritsar, to take decision on the request already made by the petitioners. It is expected that if the authority decides to decline to issue the passports to the petitioners, speaking orders giving specific reasons would be passed after granting an opportunity of hearing to the petitioners.

Let a decision in this regard be taken by the concerned authority within a period of three months from today. Needless to observe that if the request for issuance of passport to the petitioners is declined, the petitioners shall have the liberty to challenge the orders which are passed by the Regional Passport Officer.

With the observations made above, this writ petition is disposed of.

(Anil Kshetarpal)
Judge

April 19, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No