

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

CWP-8982-2021

Date of Decision: 27.04.2021

RAJINDER KAUR

...Petitioner

Versus

UNION OF INDIA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Ms. Alisha Arora, Advocate,
for the respondent-UI.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing respondent No.2 to issue her passport. She pleads that the respondents have rejected her application, ostensibly on the basis of police verification report.

2. Learned counsel for the petitioner submits that petitioner was falsely implicated in a criminal case registered as cross-version case bearing Rapat No.25 dated 07.08.2017 under Sections 323, 324, 148, 149 of IPC at Police Station Kalan, District Gurdaspur. He submits that, in any case, neither any criminal case is now pending against the petitioner, nor any charge-sheet/Police Report in any criminal case against her. The provisions of Section 6 (2) (e) to (g) of the Passports Act 1967 are, therefore, not attracted. Even then, invoking the said provisions, respondents have rejected her application for issuance of passport. Hence, the instant petition.

3. Learned counsel relies on Full Bench's judgment rendered by this Court in case titled as ***Pawan Deep Singh Vs. Union of India and***

others reported as **2004(1) RCR (Civil) 459** and Single Bench judgment of this Court titled as ***Jatinder Singh Vs. Union of India and Ors.*** reported as **2016 (4) PLR 317.**

4. Learned counsel for the petitioner submits that petitioner would be satisfied, at this stage, if a final decision, either way, is taken by the competent authority by treating the instant petition as a representation.

5. Notice of motion. Ms. Alisha Arora, Advocate on advance service joins proceedings and accepts notice on behalf of the respondent-UOI.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner and also by keeping in view the contentions stated in the present petition by treating the same as a representation and decide the same, either way, by giving cogent reasons, in accordance with law, as expeditiously as possible.

8. The judgments cited in para 9 in the instant writ petition, as noted above, shall also be gone through by the competent authority before passing the order.

9. Disposed of accordingly.

April 27, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No