

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

**CWP No. 9831 of 2021
Date of decision: 17.05.2021**

Nirmal Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is to issue a writ of Certiorari for quashing the impugned rejection letter/order dated 13.11.2019 (Annexure P-6), whereby the claim of the petitioner for issuance of a passport was rejected and also to issue a writ of Mandamus directing respondent Nos. 3 and 4 to submit a proper verification report regarding petitioner and to further direct respondent Nos. 2 and 3 to issue a passport to petitioner, which has been rejected on the premise that petitioner is involved in FIR No. 129 dated 18.11.2012 (Annexure P-1), under Sections 420, 465, 467, 468, 471 and 120-B of the IPC at Police Station Mehta, District Amritsar.

Learned counsel for the petitioner submits that the police, upon verification, has already submitted a cancellation report before the Illaqua Magistrate on 31.07.2020, as per order of SDJM-ACJ(SD), Baba Bakala Sahib.

Learned counsel for the petitioner further relies upon

subsequent orders passed by the Illaqua Magistrate to submit that thereafter, the trial Court has repeatedly issuing notices to complainant but he is intentionally not appearing before the Court as he wants to delay the proceedings.

Learned counsel for the petitioner further relies upon order dated 27.04.2021 passed by this Court in CWP No. 8982 of 2021 and submits that petitioner will be satisfied if the present petition is also disposed of in the same terms. The operative part of the order reads as under:

“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.”

Notice of motion.

Ms. Alisha Arora, Advocate, who is also appearing through video conferencing, accepts notice on behalf of respondent Nos. 1 and 2. Let a copy of the paper book be supplied to her during the course of the day on her official Email/Whats app.

After hearing learned counsel for the parties and considering the urgency of obtaining a passport by the petitioner, no further pleadings are required.

Accordingly, without expressing any opinion on the merits of the case, the present 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.

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

17.05.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No