

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(102+203)

CM-2364-CWP-2021 in/and
CWP-17615-2020

Date of Decision: February 15, 2021

Amandeep Kaur

.. Petitioner

Versus

Union of India and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny K. Singla, Advocate, for the applicant-petitioner.

Ms. Shweta Nahata, Advocate, for respondents No. 1 and 2.

HARSIMRAN SINGH SETHI, J.(ORAL)

CM-2364-CWP-2021

Present application has been filed for placing on record e-mails
as Annexure P-11.

Keeping in view the averments made in the application, the
same is allowed and Annexure P-11 is permitted to be taken on record.

CWP-17615-2020

In the present writ petition, the grievance which is being raised
by the petitioner is that the petitioner has applied for re-issuance of her
passport, which application is not being processed and the said action is
causing prejudice to her. The prayer of the petitioner is for issuance of a
direction to respondents No. 1 and 2 to re-issue the passport to the petitioner
keeping in view the facts and circumstances of this case.

After notice of motion was issued, the respondents have filed the reply in which, the respondents have taken a stand that the petitioner has not approached this Court with clean hands and rather, has suppressed material facts. As per the respondents, the petitioner had applied for the renewal of passport No. J-4503304 dated 06.04.2011, which was issued to her by the High Commission of India at London and renewal was applied for at CGI, Vancouver (Canada). Upon verification, it transpires that an FIR No. 43 dated 08.03.2017, which was registered against the petitioner, under Section 420, 406 and 120-B IPC at Police Station Dehlon, District Ludhiana due to which, the renewal of the passport was not recommended.

Learned counsel for the respondents further brings to the notice of this Court that the petitioner had made a request for issuance of the passport to the Consulate General of India, Vancouver on 19.07.2020 that she wants to appear in the IELTS test and she cannot appear without passport and therefore, the passport No. J-4503304 be given back to her and she will return the same after appearing in the said examination, which request was accepted but, the petitioner failed to deposit the said passport therefore, the prayer of the petitioner for the issuance of new passport cannot be entertained.

Learned counsel for the petitioner submits that the petitioner is ready to surrender the said passport and the respondents be directed to process the claim of the petitioner for re-issuance of the passport as the same is expiring in April, 2021.

Learned counsel for the respondents submits that in case, the petitioner submits back her passport No.J-4503304 as undertaken by her, the prayer/application of the petitioner for the re-issuance of the passport will

be considered in the light of the facts and circumstances of this case and appropriate decision will be taken on the said request in accordance with law in a time bound manner.

Learned counsel for the petitioner submits that the petitioner will surrender her passport No.J-4503304 on or before 22.02.2021.

Learned counsel for the respondents submits that in case, the petitioner submits back her passport No. J-4503304, her application for the re-issuance of the passport will be considered and appropriate orders in accordance with law coupled with the facts of the present case will be passed within a period of one month thereafter.

Learned counsel for the petitioner submits that the statement of the learned counsel for the respondents, recorded hereinbefore, satisfy the claim of the petitioner, at this stage, and he does not wish to press this petition any further.

In view of the above, the present writ petition is disposed of having been not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

February 15, 2021
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No