

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102+231

CWP No.12153 of 2022 (O&M)
Date of Decision: 31.10.2022

Deepinder Singh

...Petitioner

Versus

The Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. P.B.S. Goraya, Advocate, for the petitioner.
Ms. Amrita Singh, Advocate, for the respondents.

Vikas Suri, J. (Oral)

The present petition under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus for directions to the passport authority for re-issue of passport to the petitioner.

On 31.05.2022 this Court passed the following order:

“The petitioner has applied for re-issuance of passport on 29.10.2021. Allegedly, the file has been closed on account of adverse police verification report.

According to the petitioner, the action is illegal as the petitioner has been acquitted in all three criminal cases registered against him.

The record as it exists does not show that an adverse police verification report has been submitted and that the file for re-issuance of passport has been closed. Thus, the submission that the application is not being processed cannot be accepted.

Learned counsel for the petitioner prays for time to place on record additional documents.

Adjourned to 13.07.2022.”

In pursuance to the aforesaid order, petitioner filed CM-17221-CWP-2022 for placing on record the information made available through the

status tracker, as Annexure P-3. Learned counsel for the petitioner submits that the status depicted in the print out appended as Annexure P-3, has some portion thereof not having appeared in print. The Status on the webpage reads as, "Police Verification Report is not clear and the application is under review at the Regional Passport Office". He seeks time to produce on record the complete print out.

A perusal of Annexure P-3 would also depict that a Show Cause Notice bearing letter No.SCN/318723970/21 was issued to the petitioner on 15.11.2021 and no reply has been received in that regard.

Learned counsel for the petitioner submits that he was not aware of the aforesaid Show Cause Notice. In view of the same, the petitioner would schedule an appointment with the concerned passport authority and while responding to the said Show Cause Notice, would also furnish therewith copy of judgment(s) of acquittal dated 02.05.2012, 10.01.2018 and 08.01.2020.

Learned counsel further submits, on instructions from the petitioner that in all there were five FIRs implicating the petitioner. He has been acquitted in three of them, as noticed above and the fourth FIR was quashed by this Court, whereas the police after investigation in the fifth FIR have filed cancellation report, which is still pending consideration.

Learned counsel for the respondents submits that the date(s) of acquittal or their reference has not been averred anywhere in the entire writ petition. Though its reference has been made in the list of events, which does not constitute pleadings. She further submits that vide letter dated 10.03.2022, a reminder has also been issued and till date no response has been filed by the petitioner in that regard.

Learned counsel for the petitioner would clarify that as per

information available on the website as on 28.10.2022, the alleged reminder is not reflected on the website under status tracker.

However, keeping in view that pursuant to the letter dated 15.11.2021 opportunity to show cause is still available, he seeks withdrawal of the petition with liberty to approach the concerned passport authority to respond to the afore noticed letter (SCN) seeking clarification.

Learned counsel appearing for the respondents states that she has no objection to the petitioner responding to the Show Cause Notice issued to him on 15.11.2021 as per the status tracker followed by the reminder dated 10.03.2022, as per her instructions.

In view the prayer made in backdrop of the above submissions, this petition is dismissed as withdrawn with liberty as aforesaid.

(VIKAS SURI)
JUDGE

October 31, 2022
vcgarg

Whether reasoned/speaking:	Yes
Whether reportable:	No