

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

201

CWP No.13792 of 2018

Date of decision: 27.10.2022

Mohinder Singh Basra

....Petitioner

V/s

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Sudhir Nar, Advocate, for respondent Nos.1 and 2.

Mr. Ajit Singh Natt, AAG, Punjab, for respondent No.3

VIKAS SURI, J. (Oral)

The petitioner has approached this Court by way of present petition under Article 226/227 of the Constitution of India, aggrieved against the communication dated 23.09.2016 (Annexure P-5), whereby the application of the petitioner for re-issue of passport has been closed.

The petitioner is stated to be implicated in case FIR No.124, dated 05.08.1999 under Section 15 of the Indian Medical Council Act, 1956 and Section 26 of the Drugs and Cosmetics Act, 1956, registered at Police Station Qadian, District Batala. It is averred in the petition that letter dated 29.08.2016 (Annexure P-3) was issued to the petitioner seeking clarification with regard to the criminal case registered against him. The petitioner responded to the said letter vide communication dated 15.09.2016 (Annexure P-4), whereby he had submitted before the passport authority that in the case FIR noticed above, no *challan* has been presented by the police and as such, no proceedings are pending before any criminal Court in India. As per the petitioner, the FIR matter had already been closed. The passport

authority vide letter dated 23.09.2016 (Annexure P-5) intimated the petitioner that his file against passport application No.JA3070191917216 had been closed in the absence of any response from his side. The petitioner was also intimated that if he however wished to apply for a fresh passport with all documents and required fees, he would have to quote the previous file number at the appropriate places in the relevant form.

On being put to notice, respondent Nos.1 and 2 have filed written statement, wherein a categoric stand is taken that the *challan* has been presented before the Court against all accused as per the police authorities and as per the direction of the concerned Court, separate *challan* against each of the accused in the case FIR including the petitioner had to be filed, which was prepared and filed.

In view of the conflicting stands taken by the two sides and keeping in view the information provided under the Right to Information Act, 2005, dated 23.12.2016 (Annexure P-6), on the oral request made by learned counsel appearing on behalf of the petitioner, the State of Punjab was impleaded as respondent No.3 vide order dated 23.05.2019. A perusal of the paper-book shows that no written statement or status report has been filed by the State.

Learned counsel appearing for respondent Nos.1 and 2, on instructions from the second respondent, submits that acting upon the impugned letter dated 23.09.2016 (Annexure P-5), petitioner has made a fresh application on 14.08.2019 for re-issue of passport, bearing passport application No.JA2074027986619 and on receipt of clear police verification report on 28.08.2019 in that regard, the petitioner was issued passport

bearing No.T7411035 issued on 11.09.2019, valid till 10.09.2029, which was dispatched to the petitioner at his given address. It is further submitted that the cause of action in the present petition does not survive as such and even otherwise, the grievance of the petitioner stands redressed as he has been issued a passport after following the due process of law.

Learned counsel for the petitioner is not in a position to dispute the aforesaid position and would seek that the present petition be disposed of accordingly, as no further orders are required to be passed in that regard.

Keeping in view the aforesaid factual matrix, the above noticed submission that the cause of action in the present petition does not survive and that the passport has been issued to the petitioner, no further proceedings are required to be taken in the present petition.

Disposed of as having been rendered infructuous.

(VIKAS SURI)
JUDGE

October 27, 2022
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Whether speaking/reasoned: Yes

Whether reportable: No