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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-287-2023 (O&M)
Date of Decision: 09.01.2023

Karan Veer Singh

....Petitioner(s)

Versus

Union of India and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gopal Soni, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of Mandamus directing the respondent No.2 to correct the father's name in the passport of the sons of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner name is Karan Veer Singh son of Sarabjit was married to one Harpreet Kaur on 05.12.2019. This marriage was a second marriage of his wife and from first marriage two sons were born namely, Fatehbir Singh and Avijot Singh on 23.10.2006 and 05.01.2010 and he wanted to correct the father's name of the aforesaid two sons to be that of the petitioner since both the sons are in the custody of the petitioner and now he is married with the aforesaid Harpreet Kaur who is the mother aforesaid persons. He

submitted that for that purpose he moved an application vide Annexure P-9 before the Regional Passport Officer, Chandigarh dated 0.12.2022 but no action has been taken in this regard and therefore, the present writ petition has been filed.

At this stage. Mr. Ankur Sharma, learned Senior Panel Counsel appearing on behalf of the respondents has submitted that he has specific instructions to state that no such application has been filed by the petitioner in the office of respondent No.2 and Annexure P-9 is not available with respondent No.2.

On a query being raised to the learned counsel for the petitioner as to by what method he had filed the application, he submitted that it was submitted to respondent No.2 by hand only.

I have heard the learned counsel for the parties.

The present is a petition filed under Article 226 of the Constitution of India seeking a writ in the nature of Mandamus. It is a settled law that before a writ in the nature of Mandamus, an adequate representation/complaint/ legal notice has to be given by giving enough time to the concerned authorities to take action in accordance with law. However, in the present case no such application has been filed to the concerned authorities i.e. respondent No.2, as per the learned counsel for respondent No.2. Apart from the above, even otherwise also Annexure P-9 is dated 01.12.2022 and the present petition has been filed just after one month i.e. on 04.01.2023 and a period of one month cannot be said to be an adequate time for considering the application, if at all filed.

In view of the above, the present petition is dismissed.

However, the present order would not be an impediment for the petitioner to move a fresh application, if so desired and so advised before the competent authority in accordance with law.

09.01.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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