

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CWP-2433 of 2023

Date of Decision:07.02.2023

Nishan Singh

....Petitioner(s)

Versus

Union of India and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prateek Pandit, Advocate,
for petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to issue the passport to the petitioner as the respondents passport authorities have arbitrarily and illegally refused to issue passport to the petitioner.

Learned counsel for the petitioner submitted that the petitioner had applied for issuance of passport in the year 2020 but at that point of time there was an FIR against the petitioner in which the petitioner was falsely implicated, but thereafter on investigation the petitioner has been declared as innocent and no Court has taken cognizance nor any criminal case was pending at any point of time. He submitted that therefore the action of the respondents passport authorities in not processing the application of the petitioner is arbitrary.

Notice of motion.

Ms. Amrita Singh, Advocate accepts notice on behalf of the respondents passport authorities. She has however submitted on instructions that in fact the earlier application which was filed by the petitioner in the year 2020 has already been elapsed since the petitioner did not supply the requisite information to the passport authorities despite the fact that the repeated reminders were sent to the petitioner and in the absence of any concrete information from the petitioner, the passport authorities, i.e. respondent No. 2 closed the application of the petitioner. She however submitted that in case now the petitioner files any fresh application alongwith the requisite documents pertaining to the aforesaid status of the aforesaid FIR, then the same shall be processed expeditiously.

In view of the aforesaid factual position wherein it has been so stated by learned counsel for the respondents that the earlier application of the year 2020 filed by the petitioner for the grant of passport has already elapsed and that in case the petitioner files any fresh application for the grant of passport, then the same shall be processed expeditiously, this Court is of the view that without observing anything on the merits of the case, the present petition is disposed of with the following directions:-

- 1) In case the petitioner files any fresh application to the passport authorities for issuance of passport alongwith all the requisite documents pertaining to the aforesaid FIR No. 146 dated 16.08.2010, under Sections 323, 452, 148, 149 IPC, Police Station Dharamkot, District Moga then it is expected that the said application shall be processed as

expeditiously as possible as per the statement made by learned counsel for the respondents-passport authorities today.

- 2) It is further expected that the said application shall be processed and finalized strictly in accordance with law within a period of two months from the date of filing of the application.

In view of the aforesaid directions, the present petition is disposed of.

(JASGURPREET SINGH PURI)
JUDGE

February 07, 2023
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Whether speaking : Yes/No
Whether reportable : Yes/No