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

CWP-4538-2022

Date of Decision: 06.02.2023

Gagandeep Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Kamlesh, Advocate for the petitioner.

Mr. Ankur Sharma, Senior Panel Counsel,
for respondent Nos.1 & 2.

Ms. Akshita Chauhan, DAG, Punjab,
for respondent Nos.3 & 4.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *mandamus* directing the respondents to issue/re-issue the passport of the petitioner on the basis of application filed by him in the month of November, 2021.

Learned counsel for the petitioner has submitted that the petitioner had filed an application for grant of passport but the same was not processed by the Passport Authorities because the petitioner was convicted in FIR No.71, dated 12.08.2018 under the NDPS Act and the total sentence which he was awarded to undergo, R.I. for 1 year & 6 months which was less than two years, and therefore, there was no impediment for the Passport Authorities to have not issued the

passport to the petitioner even by applying Section 6(2)(e) of the Passports Act, 1967. She further submitted that the application of the petitioner is kept pending for long time, and therefore, necessary direction be issued to the Passport Authority to further process the application in accordance with law.

On the other hand, Mr. Ankur Sharma, Senior Panel Counsel has caused appearance on behalf of respondent Nos.1 & 2 and has submitted that it is correct that the petitioner had suffered a conviction for 1½ years but at the same time, application of the petitioner has now been processed and now the same shall be further processed and finalized within a period of three months from today.

In view of the aforesaid position where the application of the petitioner is being kept pending for long time and the statement made by the learned counsel for respondents No.1 & 2-Passport Authorities that the application of the petitioner will now be processed and finalized within a period of three months from today, the present petition is disposed of with a direction to respondent No.2-Regional Passport Officer to take a final decision on the application filed by the petitioner within a period of three months from today.

Needless to say that in case, the Passport Authority comes to the conclusion that the petitioner is entitled for grant of passport then the same shall be issued to him within a period of two weeks thereafter, but in case for any reason under the law, the Passport Authority comes to the conclusion that the petitioner is not entitled for grant of passport then the concerned Passport Authority after hearing the petitioner shall pass a well-reasoned speaking order in this regard which shall be conveyed to the petitioner.

06.02.2023*Bhumika*

1. Whether speaking/reasoned:
2. Whether reportable:

(JASGURPREET SINGH PURI)
JUDGE

Yes/No
Yes/No