

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

211

CWP-3736 of 2023

Date of Decision:27.04.2023

Ranjit Singh

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Padamkant Dwivedi, Advocate,
for the petitioner.

Mr. Karan Kumar Jund, Advocate,
for respondents No.1 and 2.

Mr. Arun William, AAG, Punjab
for respondent No.3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing the respondents to issue the passport of the petitioner irrespective of the pendency of an FIR against the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner had filed an application for grant of passport to the Passport Authorities but the same has not been done by the respondents-Passport Authorities in view of the fact that there was an FIR against the petitioner regarding which even cancellation report was submitted and there was no criminal trial pending against the petitioner and therefore inaction on the part of the Passport

Authorities for violation of the provisions of the Passports Act and also the judgments of this Court in Daler Singh versus Union of India 2015(8) RCR (Civil) 618 and Sahib Jaskaran Singh versus Union of India and others (CWP-1955 of 2015)

3. However, learned counsel appearing on behalf of the respondents-Passport Authorities has submitted that the earlier application which was filed by the petitioner has since been closed and he has instructions to say that in case the petitioner files a fresh application for grant of passport in accordance with law then the same will be considered and finalized within a period of four weeks from the date of filing of the fresh application, if any by the petitioner strictly in accordance with law and also in the light of the aforesaid two judgments.

4. In view of the aforesaid position, the present petition is disposed of with the following directions:-

- (i) The petitioner shall be at liberty to file a fresh application for grant of passport to the Passport Authorities in accordance with law and within a period of three weeks from today.
- (ii) In the event of the petitioner filing any such fresh application, then the respondents-Passport Authorities shall consider, process and finalize the same within a period of four weeks thereafter as per the statement made by learned counsel for the respondents-Passport Authorities.
- (iii) Needless to say that during the process of the application, the Passport Authorities shall also keep in mind the aforesaid

two judgments passed by this Court and thereafter finalize the application strictly in accordance with law.

- (iv) After considering the application of the petitioner within the aforesaid time framework in case the Passport Authorities come to the conclusion that the petitioner is entitled for grant of passport, then the same shall be issued to the petitioner within a period of next three weeks and in case the passport authorities come to the conclusion for any reason whatsoever under the law that the petitioner is not entitled for the grant of passport, then the Passport Authorities shall pass a well-reasoned speaking order in this regard after giving an opportunity of hearing to the petitioner or his counsel and thereafter convey the orders to the petitioner.

5. In view of the aforesaid directions, the present petition stands disposed of.

(JASGURPREET SINGH PURI)
JUDGE

April 27, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No