

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CWP-6359 of 2021 (O&M)

Date of Decision: 16.02.2023

Nirmol Rattan Singh

.... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Kanwal S. Walia, Advocate,
for petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Ms. Saigeeta Srivastava, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

The present writ petition has been filed under Article 226 read with Article 21 of the Constitution of India seeking a writ in the nature of *mandamus* for re-issuance/restoration of passport in favour of the petitioner and also seeking a writ in the nature of *certiorari* for quashing of the order dated 11.11.2020 (Annexure P-6).

Learned counsel for the petitioner had argued that the passport of the petitioner was wrongly impounded by the Passport Authorities and in fact there was no warrant of arrest issued against the petitioner. She further submitted that during the course of present petition, even fresh order has been passed by the Regional Passport Office, Ghaziabad on 06.02.2023

whereby it has been stated in the operative part that the decision of the Passport Authority to impound the said passport was in order. She submitted that the order by which the passport was impounded earlier has only been reiterated and there was no justification for the Passport Authorities to have impounded the passport of the petitioner because there was no ground available with the Passport Authorities.

On the other hand, Mr. Satya Pal Jain, learned Additional Solicitor General of India with Ms. Saigeeta Srivastava, Advocate appearing on behalf of the respondents has submitted that vide Annexure R-3 dated 11.11.2020 an order has been passed by the Regional Passport Office, Ghaziabad for impounding of the passport. However, during the pendency of the present petition, the petitioner was asked to supply the requisite documents to the Passport Authorities so that the fresh order can be passed and even now a fresh order has been passed on 06.02.2023 whereby the earlier order has been reiterated.

Learned Additional Solicitor General of India has raised preliminary objections. He submitted that firstly the passport of the petitioner was issued by the Regional Passport Office, Ghaziabad and the grievance of the petitioner is pertaining to the aforesaid Regional Passport Office at Ghaziabad and therefore this Court does not have territorial jurisdiction to entertain the present petition. Secondly, the order of impounding of passport has been passed by the competent authority under Section 10 of the Passport Act and against the aforesaid order, an appeal lies under Section 11 of the Passport Act which has not been availed by the

petitioner. He submitted that once there is a statutory appeal available for challenging an order, the writ petition would not be maintainable.

I have heard the learned counsels for the parties.

Since an objection has been raised with regard to the territorial jurisdiction, this court would therefore deal with aforesaid issue of territorial jurisdiction at the first instance. The passport of the petitioner has been issued by the Regional Passport Office, Ghaziabad which falls in the State of Uttar Pradesh. The present petition has been filed in this Court on the ground that the petitioner is residing in Punjab.

This Court is of the view that it cannot become a ground for conferring territorial jurisdiction upon the petitioner and this Court therefore does not have any territorial jurisdiction to entertain the present petition. Consequently, the present petition is hereby dismissed.

Nothing stated in the order would deem to be any observation on the merits of the case.

Since the main petition has been dismissed, the miscellaneous applications are deemed to have been disposed of.

(JASGURPREET SINGH PURI)
JUDGE

February 16, 2023

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