

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

207 (2 cases)

**CWP-18284-2022 (O&M)
Date of Decision: 06.07.2023**

Abhayveer Singh Nagra (Minor)

...Petitioner

Versus

Union of India and Others

...Respondents

And

CWP-11521-2020

Dalveer Singh

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.P.S Khaira, Advocate for the petitioner
(in CWP-18284-2022 and for respondent No.3 in CWP-11521- 2020)

Mr. Inderpal Singh Parmar, Advocate for the petitioner
(in CWP-11521- 2020 and for respondent No.3 in CWP-18284-2022)

Mr. Shivoy Dhir, Senior Panel Counsel for Union of India-
respondent Nos.1 and 2 (CWP-18284-2022)

Mr. Amit Sharma, Advocate for respondent Nos.1 & 2
(CWP-11521-2020)

Ms. Rajvinder Kaur Sohal, Advocate for respondent No.8
(CWP-11521-2020)

Ms. Harpreet Kaur Arora, Advocate for respondent Nos.9 to
12 (CWP-11521-2020)

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, both writ petitions bearing Nos.*CWP-18284-2022* and *CWP-11521-2020* are disposed of as both the petitions are interconnected. For the sake of convenience, facts are borrowed from *CWP-18284-2022*.

2. The petitioner is a minor and he has filed this petition through his mother. The petitioner, through instant writ petition under Articles 226/227 of the Constitution of India is seeking direction to issue passport to him without obtaining consent of his father.

3. The brief facts of the case are that mother of the petitioner got married with Dalbir Singh son of Avtar Singh on 21.01.2015. The petitioner was born out of this wedlock in Italy. The mother of the petitioner filed an application seeking passport which came to be allowed. The petitioner was issued passport which was valid upto 15.05.2022. The mother of the petitioner asked her husband to give consent for getting re-issued the aforesaid passport, however, father of the petitioner did not reply. A fresh application seeking re-issuance of passport came to be filed on 03.07.2022 which is still pending and is subject matter of present petition.

4. Learned counsel for the petitioner *inter alia* contends that as per notification dated 23.12.2016 consent of both parents is not required for issuance of passport and in the present case, the petitioner has moved an application seeking issuance of passport through his mother. The father of the petitioner is not granting his consent which may be ignored.

5. Learned counsel for the respondents submits that on the complaint of father of the petitioner, a show cause notice was issued to mother of the petitioner who has filed reply to the said show cause notice and matter is under consideration. He further submits that competent authority would pass speaking order qua fresh re-issuance of passport to the petitioner after considering applicable law, submissions of mother of the petitioner and objections already submitted by father of the petitioner. If competent authority finds any misappropriation or forgery on the part of the petitioner or his parents, an appropriate action would be taken, in accordance with law.

6. On being confronted with the aforesaid statement of learned counsel for the respondents, learned counsel for the petitioner in CWP-11521-2020, submits that his grievance stands redressed.

7. In view of statement of learned counsel for the respondents, both the petitions stand disposed of with a direction to respondent-authorities to pass an appropriate order within 6 weeks from today.

Pending applications also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

05.07.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>