

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-25346 of 2021

Date of Decision:02.02.2023

Amrajbir Singh and another

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ajay Kumar, Advocate,
for petitioner No.1 (Amrajbir Singh).

Mr. Rishu Mahajan, Advocate,
for petitioner No. 2 (Jaskaranbir Singh).

Ms. Shweta Nahata, Advocate, for the respondents
No.1 and 2.

Ms. Akshita Chauhan, DAG, Punjab
for respondent No.3.

Mr. Ritesh Pandey, Advocate,
for the applicant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India by two petitioners, namely Amrajbir Singh and Jaskaranbir Singh.

It has been submitted by learned counsel for petitioner No.1 (Amrajbir Singh) that petitioner No.1 had applied for re-issuance of the passport on the basis of rectification of his particulars and so far as petitioner

No. 2 is concerned, the application was filed for issuance of fresh passport. Both learned counsels appearing on behalf of both the petitioners submitted that both the applications were not considered by the passport authorities and therefore they were constrained to file the present writ petition.

On the other hand, today Ms. Akshita Chauhan, learned DAG, Punjab has filed an affidavit of the Deputy Superintendent of Police, Sub-Division Jandiala, Amritsar, which is hereby taken on record. While referring to the affidavit, she submitted that qua both the petitioners the matter was investigated twice and twice cancellation report was filed before the learned concerned Court but the same was not accepted because of the protest petition filed by the complainant and thereafter a complaint was also filed by the complainant before the learned Court which is pending for preliminary evidence.

Ms. Shweta Nahata, learned counsel appearing on behalf of respondents No. 1 and 2-passport authorities submitted that the applications which the learned counsels for both the petitioners have submitted have already been closed as they elapsed on 20.01.2021 (in respect of petitioner No.1 and on 03.02.2022 (in respect of petitioner No.2) and therefore no cause of action survives. She submitted that however in case the petitioners file any fresh application either for the issuance of passport or for rectification of any particulars then the same shall be considered by the passport authorities strictly in accordance with law within a period of two months.

Learned counsels appearing on behalf of both the petitioners submitted that in view of the stand taken by the learned counsel appearing on behalf of the passport authorities-respondents No. 1 and 2, they confine the

scope of the present petition only to the extent that liberty may be granted to them to file a fresh application in accordance with law so that the same can be processed by the passport authorities subsequently.

I have heard the learned counsels for the parties.

The earlier applications filed by both the petitioners have already been closed as per the learned counsel for the respondents No.1 and 2 who has stated that in case the petitioners file fresh applications then the same will be considered in accordance with law within a period of two months. Therefore, 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) Both the petitioners shall be at liberty to file an application to the passport authorities for issuance of passports alongwith all the requisite documents.
- 2) In the event of petitioners filing any such applications to the passport authorities then the passport authorities shall consider the applications so filed by the petitioners strictly in accordance with law and take a final decision on the same within a period of two months thereafter.
- 3) After considering the applications of the petitioners in accordance with law, in case the petitioners are found to be entitled for the re-issue/rectification of particulars then the needful shall be done for issuance of passport etc. within a period of next three weeks but in case for any reason whatsoever and in accordance with law the passport authorities come to the conclusion that the petitioners are

not entitled for re-issuance of the passport or rectification of particulars or any other relief claimed in the application, then the passport authorities shall pass a well-reasoned speaking order, which shall be conveyed to the petitioners by way of written communication.

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

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The present application was filed by the applicant who is complainant in FIR No. 79 dated 01.11.2016 against the petitioners. The applications of both the petitioners for issuance of passport have already been closed by the passport authorities and now liberty has been granted to the petitioners for filing fresh application to the passport authorities. No ground is made out for impleading the applicant/complainant as respondent No. 4.

The present application stands dismissed.

(JASGURPREET SINGH PURI)
JUDGE

February 02, 2023
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Whether speaking : Yes/No

Whether reportable : Yes/No