

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP No. 22858 of 2022
Date of decision: 24.01.2023

Manga Singh

.....Petitioner

Versus

Union of India and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ruhani Chadha, Advocate for the petitioner.
Ms. Neha Sharma, Advocate for Union of India.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226/227 of Constitution of India for issuance of writ in the nature of Mandamus or any other suitable writ, directing the respondent No. 2 to issue the passport in the name of the petitioner since the same has been held up further by respondent-Regional Passport Office without any justification.

Learned counsel for the petitioner submitted that the petitioner had filed an application for grant of passport vide Annexure P-1 dated 14.06.2022 but the Passport authorities are sitting over the matter and they have not considered the application of the petitioner. He submitted that it appears that the passport of the petitioner has not been processed because the petitioner was convicted in FIR No. 57 dated 22.03.2010 registered under Section 15 of the NDPS Act, 1985 at Police Station Shahkot, District Jalandhar in which he was convicted and sentenced to undergo imprisonment for a period of three months on 18.12.2013. He submitted that the Provision of Section 6(2)(e) of the Passport Act would not apply to the

present petitioner because of two reasons. Firstly, the conviction is more than 5 years ago preceding the date of filing of the application and secondly the sentence was only 3 months which is less than 2 years as prescribed under Section 6(2)(e) of the Passport Act and therefore the action of the respondents in sitting over the application of the petitioner is arbitrary and unfair and also contrary to the statutory provision.

On the other hand, learned counsel appearing on behalf of the Passport Authority submitted that the petitioner has not supplied the requisite information and documents required from him and therefore the application of the petitioner could not be processed.

I have heard the learned counsel for the parties.

The claim of the petitioner is that there was no embargo for the Passport office to have not issued the passport in view of the Section 6(2)(e) of the Passport Act because his case is not barred under the aforesaid provision and therefore he was entitled for the issuance of passport.

The submission of the learned counsel appearing for the Passport officer is that the petitioner has not supplied the requisite information pertaining to the aforesaid FIR and therefore the process could not be completed.

Considering the aforesaid facts and circumstances, this Court is of the view that the present petition can be disposed of in the following manners:

1. The petitioner shall visit the Regional Passport Officer-respondent No. 2 on 01.02.2023 at 11 A.M and shall supply all the requisite documents pertaining to the FIR in which he had suffered conviction.
2. In case the Regional Passport Officer is of the view that some

more information is required then he shall ask the same from the petitioner through a written communication.

3. Thereafter, in case the petitioner supplies all the requisite documents as required by the Regional Passport Officer then the Regional Passport Officer shall consider the application which is pending before him by proceeding with the same in accordance with law.

4. In case the petitioner is found entitled for grant of the Passport then the same shall be issued to him within a period of three weeks thereafter.

5. In case the Regional Passport Authority Officer comes to the conclusion that the petitioner is not entitled for grant of passport, then he shall pass a well-reasoned speaking order in this regard within a period of three weeks.

The petition stands disposed of.

24.01.2023
Rajeev (rvs)

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No