

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

105

**2023:PHHC:130350  
CWP No.19790 of 2023  
Date of Decision:09.10.2023**

**Koshy John**

**....Petitioner**

vs.

**Union of India and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Gurnoor Singh Sethi, Advocate for  
Mr. K.S.Nalwa, Advocate  
for the petitioner  
Ms. Saigeeta Srivastava, Central Govt. Counsel  
for the Union of India  
Mr. Raman Sharma, Addl. A.G.Haryana

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 24.08.2023 (Annexure P-12) whereby passport authorities have refused to re-issue/renew his passport.

2. Learned counsel for the petitioner inter alia contends that respondent-passport authority has passed the impugned order dated 24.08.2023 in gross violation of principles of natural justice as well as contrary to scheme of the Passport Act, 1967. The police in FIR No. 0019 dated 11.2.2018, under Sections 379-A of IPC (later on Sections 379-A of IPC deleted and Sections 395, 365, 328, 120-B of IPC and Sections 25,54 and 59 of Arms Act added), registered at Police Station Ding, District Sirsa, has not presented challan and petitioner has preferred CRM-M-35346 of

2018 seeking setting aside of afore-stated FIR before this Court and this

Court vide order dated 29.08.2018 has directed the respondents not to take coercive steps against the petitioner. The said petition is still pending and police has not proceeded further in the aforesaid FIR. He further submits that impugned order is contrary to judgment passed by this Court **Mohan Lal @ Mohna vs. Union of India and others 2023 SCC Online P&H 1391** as well as instructions dated 14.03.2023 and respondents have wrongly interpreted instructions dated 25.08.1993 as till date neither challan has been presented against the petitioner nor this Court has recalled its order dated 29.08.2018 (Annexure P-9).

3. Learned State counsel does not dispute the aforesaid factual position and submits that it is factually correct that challan has not been presented against the petitioner.

4. Learned counsel for the Union of India expressed her inability to controvert the fact that impugned order is contrary to instructions dated 25.08.1993 as well as judgment of this Court in **Mahan Lal (supra)**.

5. In the wake of statements of both sides, the impugned order dated 29.08.2018 (Annexure P-9) stands quashed and respondent-Passport Authority is directed to re-consider application of the petitioner in the light of judgment of this Court **Mohan Lal (Supra)** as well as instructions dated 25.08.1993 and 14.03.2023 issued by the Central Government.

(JAGMOHAN BANSAL)  
JUDGE

09.10.2023

paramjit

Whether speaking/reasoned: Yes

Whether reportable: Yes/No