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

CWP-24123-2022

Date of Decision: 20.02.2023

Dilpreet Singh (Minor through Guardian)

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Ms. Saigeeta Srivasthava, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *mandamus* directing respondents No.2 & 3 to issue the passport for which the application having reference No.22-0012895192 dated 08.08.2022 had already been given but respondent No.3 refused to entertain the said application without passing any speaking order on the same and simply returned back the application on the date of appointment.

Learned counsel for the petitioner has submitted that the petitioner is a minor of the age of 10 years and the present petition has been filed through his mother. He further submitted that in fact there is a matrimonial dispute going on between his parents *inter se* and a petition under Section 13(1) of the Hindu Marriage Act is also pending. He also submitted

that be that as it may, the pendency of matrimonial dispute between the mother and father cannot become a ground for denial of passport to the petitioner. He further submitted that so far as the application which has been filed by the petitioner, the same has been filed through his mother which is one of the parents and as per the instructions of the competent authority, one of the parents can always apply, in case there is a matrimonial dispute between parents. He also submitted that even otherwise also, once an application has been filed by the petitioner in August, 2022, which is almost 6 months ago, it was incumbent upon the concerned Passport Authorities to have at least considered and processed it in accordance with law and the Passport Authorities have failed to discharge their duties in processing and finalizing the application which has been filed by the petitioner.

On the other hand, Ms. Saigeeta Srivastava, learned Counsel appearing on behalf of the respondents-Passport Authorities has submitted that the concerned Passport Authority is the Regional Passport Authority, Jalandhar and respondent No.2 has been wrongly impleaded in the array of parties.

I have heard the learned counsel for the parties.

A perusal of the Memorandum of Parties would show that respondent No.3 is the Passport Seva Kendra, Hoshiarpur which comes under the Regional Passport Authority Jalandhar, and therefore, it cannot be said that in the present petition there is any non-joinder of necessary parties, since the petitioner had filed an application for grant of passport at Passport Seva Kendra, Hoshiarpur. In the present case, the petitioner is a minor boy of the age of 10 years and has filed the present petition through his mother. He filed an application for the grant of passport in the month of August, 2022 through

his mother, who is one of the parents. As per the learned counsel for the petitioner, there are necessary instructions issued by the Passport Authorities that in case an application is filed through one of the parents, then the same can also be considered particularly when there is a matrimonial dispute between the parents. However, this Court does not wish to make any observation with regard to the fact that as to whether the petitioner is entitled for the grant of passport or not, but grievance of the petitioner is that at least, application filed by the petitioner should be processed and taken to its logical conclusion and should be finalized but the same has not been done by the Passport Authorities.

In view of the above, the present petition is disposed of with the following directions:-

1. The application of the petitioner for grant of passport shall immediately be processed by the Regional Passport Authority, Jalandhar and shall be finalized within a period of two months from today, after considering all the instructions issued by the Ministry of External Affairs and also the applicable rules on the issue.
2. The petitioner through his mother shall also be entitled for grant of personal hearing either herself or through her counsel.
3. In case, during the processing of the application, the Passport Authorities require some documents or information from the petitioner, then the same shall be communicated to the petitioner through written communication within a period of two weeks. On the receipt of communication from the Passport Authority, the petitioner shall supply all the necessary

information/documents supported by an affidavit to the Passport Authority, Jalandhar.

4. Thereafter, if the Passport Authority comes to the conclusion that the petitioner is entitled for grant of passport according to law, then the same shall be issued to him within a period of three weeks thereafter, but in case the Passport Authority comes to the conclusion that the petitioner is not entitled for grant of passport for any reason under the law then the concerned Passport Authority shall pass a well-reasoned speaking order in this regard which shall be communicated to the petitioner through her mother.
5. In case, the Passport Authority refuses to issue passport to the petitioner, then the petitioner shall be at liberty to file a fresh petition before this Court.

20.02.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |