

208

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-27978-2022 (O&M)

Date of Decision: 13.04.2023

Harjinder Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kamaldeep Singh Sidhu, Advocate
for the petitioner.

Mr. Amit Sharma, Advocate,
for the respondents No.1 to 3.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

CM-4131-CWP-2023

For the reasons mentioned in the application, the same is allowed and the order dated 30.12.2020 as Annexure P-12 is taken on record, subject to all just exceptions.

CWP-27978-2022

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to issue fresh passport to the petitioner with a further prayer for issuance of a writ in the nature of *certiorari* for quashing of the impugned letter dated 18.06.2015 (Annexure P-8) whereby the application of the petitioner was closed with alleged reference that there is no response from the side of the petitioner.

Learned counsel for the petitioner submitted that the petitioner had filed an application before the Passport Authority for the grant of passport but no further action has been taken by the Passport Authority and because of the fact that earlier an official passport for two years was issued to the petitioner to attend a sports event abroad since the petitioner is a sports person and he is still serving in the Indian Army. He further submitted that now when a fresh application for issuance of passport was made to the Passport Authorities, there was no justification for them to not process the same and rather as per the information of the petitioner, they have closed the application of the petitioner without any justification. He also submitted that by way of the application bearing CM-4131-CWP-2023, it is clear that the passport was issued only for two years and it has been cancelled.

On the other hand, Mr. Amit Sharma, learned counsel appearing on behalf of the Passport Authorities has submitted that in case the petitioner files a fresh application for grant of fresh passport, then the same will be considered by the Passport Authorities as expeditiously as possible and so far as the objection with regard to the non-deposit of the passport, which was earlier issued to the petitioner for a short period i.e. two years as aforesaid, the same shall also be considered in a proper and legal manner. He further submitted that in case the said passport is deposited to the Passport Authorities, then the same will be traced out and in case, it is deposited with the Army Authority, then they will themselves verify from the Army Authority with regard to the same and no hyper technical objection will be taken except for any objection which is otherwise permissible under the law.

Ms. Akshita Chauhan, learned DAG, Punjab has also filed an affidavit of Superintendent of Police (City) Moga, District Moga wherein it has

been so stated that so far as the State Police is concerned, no such information was sought by the Passport Authorities. The aforesaid affidavit is taken on record.

I have heard the learned counsel for the parties.

The only issue involved in the present case was that the petitioner filed an application for grant of fresh passport which has not been processed and rather closed by the Passport Authorities because of the fact that earlier the petitioner was granted a short time official passport for two years being an Army Man to attend the sports event abroad but the same was not traceable.

Learned counsel for the petitioner during the course of arguments has stated that the petitioner will file a fresh application in accordance with law and the learned counsel for the respondents-Passport Authorities has submitted that in case, such a fresh application is filed, then the same shall be processed as expeditiously as possible.

In view of the above the present petition can be disposed of with the following directions:-

1. The petitioner shall be at liberty to file a fresh application to the Passport Authorities for grant of passport in accordance with law within a period of four weeks from today.
2. In the event of filing a fresh application, the Passport Authority shall process the same within next period of four weeks. So far as the objection pertaining to non-deposit of earlier passport which has been issued to the petitioner for a period of two years is concerned, it shall be incumbent upon the Passport Authority to ascertain and trace out the passport in case the same is available with the Passport Authorities and in case any inquiry is to be sought then the Passport Authority shall seek information from the

concerned Army Authority with regard to the same.

3. After processing the aforesaid application of the petitioner, then the same shall be led to a logical conclusion and finalization be made within the aforesaid period of four weeks and thereafter, in case, the petitioner is found to be entitled for the grant of passport then the same shall be issued to him within a period of next two weeks and in case for any reason whatsoever under the law the petitioner is found to be not entitled for the same, then the Regional Passport Officer shall pass a well-reasoned speaking order in this regard and before passing such an order, if any, the petitioner or his counsel shall be afforded an opportunity of hearing.

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

13.04.2023

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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