

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CWP-1126 of 2024
Date of decision:19.01.2024

SIKANDAR SINGH

PETITIONER

VERSUS

UNION OF INDIA AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Hardip Singh, Advocate
for the petitioner.

Ms. Shweta Nahata, Sr. Panel Counsel
for Union of India.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No. 2 to re-issue his passport.

2. The petitioner is a 14 years old minor child. The petitioner is staying with his mother and a divorce petition of his mother is pending before family Court. The petitioner was issued passport on 03.05.2019 which is going to expire on 02.05.2024. The petitioner has applied for re-issuance of passport and mother of the petitioner has filed Annexure-C alongwith the application. Though petitioner was issued passport on earlier occasion without consent of his father yet the respondent is harping for consent of father and it is impossible for the petitioner to get consent of his father.

3. Notice of motion.

4. Ms. Shewta Nahata, Senior panel Counsel for Union of India, who on advance notice is present in Court, accepts notice and waives service. She submits that father of the petitioner has got visiting rights from family court, thus, passport authority is bound to consider consent of father of the petitioner.

5. It is conceded fact that divorce petition of mother of the petitioner is pending and father has got visiting rights from Family Court at SAS Nagar Mohali. The petitioner is staying with his mother and on the earlier occasion he was issued passport on the basis of consent and affidavit of his mother. The petitioner cannot be denied passport on account of dispute between his parents. The passport authority is hereby directed to consider case of the petitioner in terms of applicable instructions as well as mandate of the Passport Act. It would be appropriate on the part of the passport authority if comments are sought from the father of the petitioner. Needful shall be done within 08 weeks from today.

6. The petition stands disposed of in the above terms.

19.01.2024
joyti

(JAGMOHAN BANSAL)
JUDGE

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