

CWP-25248-2024

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2024-PHHC-144225



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

(108)

CWP-25248-2024

Date of decision:- 06.11.2024

**Hardeep Singh**

**... Petitioner**

**Versus**

**Union of India and another**

**... Respondents**

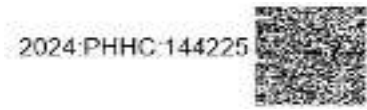
**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Pushp Jain, Advocate  
for the petitioner.

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**SUVIR SEHGAL, J. (ORAL)**

1. By way of instant petition, petitioner has approached this Court under Article 227 of the Constitution of India *inter-alia* for issuance of a writ in the nature of mandamus directing the respondents to re-issue the passport.
2. Counsel submits that the petitioner possessed a passport, which expired on 15.01.2001. He submits that the petitioner was named as an accused in FIR bearing No.34 dated 21.04.2013 under Sections 323/324/325/326/ 447/148/149, IPC and was convicted by the Trial Court by judgment dated 13.03.2020, and sentences of two years rigorous imprisonment was imposed upon him. He submits that a revision petition is pending before this Court and by order dated 18.05.2023, Annexure P-1, the remaining sentence has been suspended. Counsel submits that the petitioner applied for re-issuance of passport vide application, Annexure P-2, in April, 2024 and despite the fact that the petitioner appeared before the authorities and supplied all the requisite information, application is still pending.



3. Advance copy of the petition has been served upon the respondents.
4. Upon instructions, Ms. Neha Sharma, Advocate, Senior Panel Counsel, for respondents submits that the antecedents of the petitioner were verified and the police authorities did not recommend the issuance of a passport.
5. Be that as it may, application submitted by the petitioner is pending since April, 2024 and a period of more than seven months has expired. Section 5 of the Passports Act, 1967 provides for the procedure for dealing with an application submitted for issuance of a passport. Sub-Section (3) of Section 5 of the Passports Act, 1967 mandates that in case the application is to be rejected, the passport authority has to record reasons in writing. Although, there is no provision in the statute fixing the time frame within which the applications have to be finally dealt with, but considering that the application has been pending and no final decision has taken thereon, a command deserves to be issued to the passport authority.
6. Accordingly, writ petition is **disposed of** with a direction to respondent No.2 to finally decide the application, Annexure P-2, within a period of three months from the date of communication of a copy of this order by passing a reasoned order, in case, the application, Annexure P-2, is to be rejected.

06.11.2024  
*Kamal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |