



CWP-30260-2024

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

(116)

CWP-30260-2024

Date of decision:- 08.11.2024

Parveen Kumar and another

... Petitioners

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ritesh Pandit, Advocate
for the petitioners.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition, petitioners have approached this Court under Articles 226/227 of the Constitution of India *inter-alia* for issuance of a writ in the nature of mandamus directing the respondents to re-issue a passport to them.

2. Counsel for the petitioners submits that the petitioners, who are father and son, were issued passports, which have expired. He submits that both the petitioners were named as accused in FIR No.120 dated 15.06.2021, registered for offences under Sections 341, 506 and 34 IPC at Police Station City Gurdaspur, District Gurdaspur, Annexure P-1. He asserts that during investigation, petitioners have been found to be innocent and a cancellation report was presented to the Trial Court, but by order dated 10.02.2023, Annexure P-3, Trial Court directed the police to

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reinvestigate the matter. Counsel submits that petitioner No.2 has to go to Australia on a study visa and the petitioners applied for re-issuance of a passport on 20.08.2024, Annexure P-4, but the application has been kept pending. Referring to the online status on the passport portal, he submits that it has been mentioned that the police verification report is not clear.

3. Advance copy of the petition has been served upon the respondents.

4. Upon instructions, Mr. Prajwal Chauhan, Advocate, Central Government Counsel, counsel for the respondents No.1 and 3, submits that a show cause notice dated 24.10.2024 has been issued to the petitioners seeking some clarification regarding the pendency of the FIR. He submits that the petitioners have not submitted any response so far.

5. Copy of the show cause notice has been supplied to the counsel for the petitioners, who submits that he will supply the necessary documents within a period of two weeks from today.

6. His request is accepted. In case, any response is submitted by the petitioners within two weeks from today, it shall be considered by the passport authority.

7. Be that as it may, application for re-issuance of passport submitted by the petitioners, is still pending. The authorities cannot sit over the application and refuse to take a final decision.

8. Accordingly, writ petition is disposed of with a direction to respondent No.3 to finally decide the application, Annexure P-4, within a period of four months from the date of communication of a copy of this



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order. In case, respondent No.3 finds that the application, Annexure P-4, is liable to be rejected, it shall pass an order giving reasons for rejection and communicate a copy to the petitioners. It is clarified that the said respondent will decide the application within the above specified time frame even if the petitioners do not submit any response to the show cause notice.

(SUVIR SEHGAL)
JUDGE

08.11.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No