



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

Sr. No. 105

CWP-34857-2024 (O&M)

Date of Decision:20.12.2024

Avyukt through his mother Anshita Mittal

... Petitioner

Vs

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

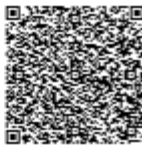
Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

Ms. Shreyansi Verma, Central Govt. Counsel
for Union of India.

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ANIL KSHETARPAL,J.(ORAL)

1. The petitioner through his mother prays for issuance of a writ in the nature of mandamus directing respondent No.2 to issue him a passport, which was applied on 24.05.2024.
2. Unfortunately, the mother and father of the petitioner have a strained relationship as they are litigating in the Courts.
3. The petitioner's counsel asserts that on account of that litigation between his parents, the passport is not being issued to the petitioner.
4. Pursuant to advance copy of the writ petition, Ms. Shreyansi Verma, Central Govt. Counsel for Union of India has entered appearance and filed order dated 20.12.2024 passed by Superintendent, Regional Passport Office, Chandigarh, in Court today, which is taken on record. She submits that the Regional Passport Officer has rejected the petitioner's application on the ground that Annexure C has been rendered inapplicable. However, this Court fails to comprehend the language used by the Passport Officer.



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5. It is submitted that the petitioner's mother failed to submit proper affidavit/declaration in Annexure C in para No.10 of the Order. It has been disclosed that the petitioner's father has filed a civil suit seeking restraint order against issuance of passport to his minor son without his consent.

6. This Court has considered the submissions.

7. Keeping in view the facts of the case, the order dated 20.12.2024 is set aside. The petitioner's mother is directed to submit proper declaration in the format prescribed in Annexure C disclosing the pending litigations, which shall be considered by the Regional Passport Officer within four weeks from the date of submission of affidavit/declaration in the format prescribed in Annexure C. It has been noticed that the Passport authorities are reluctant in issuing passport in favour of minor children of parents having marital discord.

8. With the passage of time and development the Passport Authorities are required to modify their instructions to make it more realistic with the present time. Only few days back Under Secretary Ministry of External Affairs was requested to examine their instructions and make suitable amendments. However, the response is still awaited. The cases, where the child has a single parent on account of IVF, similar instructions are also required to be issued in this regard.

9. Keeping in view the aforesaid facts, the Secretary, Ministry of External Affairs, Union of India is requested to examine the matter and file status report within a period of one month from today.



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10. With the above observations, the present petition is allowed and the Regional Passport Officer, Chandigarh is expected to take an holistic view in the matter.

(ANIL KSHETARPAL)
JUDGE

20.12.2024
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Whether speaking/reasoned?	Yes/No
<i>Whether reportable?</i>	<i>Yes/No</i>