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

CWP-13-2025 (O&M)
Date of Decision: 10.01.2025

Avyukt (minor) through her mother, Anshita Mittal

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Ms. Shreyansi Verma, Central Govt. Counsel
for respondents No.1 and 2-Union of India.

HARSH BUNGER, J. (Oral)

The instant Writ Petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Mandamus for directing respondent No.2 to issue the passport in the name of the petitioner-Avyukt (minor), which has been applied by her mother (Anshita Mittal) vide application dated 24.05.2024.

2. Mr. Pankaj Bali, Advocate appears and files his *Vakalatnama* on behalf of respondent No.4 in Court today, which is taken on record, subject to all just exceptions.

3. Learned counsel for respondents No.1 and 2 (Union of India) submits that earlier the passport application of the petitioner was

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rejected vide order dated 20.12.2024, however, in CWP-34857-2024, a Co-ordinate Bench of this Court vide order of the same date i.e. 20.12.2024, set aside the rejection order dated 20.12.2024 by observing as under:

“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.

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.”

3.1 It is further informed that subsequent to the passing of said order, the Regional Passport Office, Chandigarh has issued a letter dated 02.01.2025 to the petitioner, which reads as under:

“WHEREAS applicant applied for issuance of passport at RPO



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Chandigarh vide file no. CH1069646273424 dated 24/05/2024, which was rejected by this office vide order dated 20th December 2024.

WHEREAS, Hon'ble High Court in Order dated 20 December 2024 wrt CWP-34857-2024 set aside this office's order dated 20th December 2024 and directed the petitioner's mother to submit proper declaration in the format prescribed in Annexure C disclosing the pending litigations.

WHEREAS, the Hon'ble High Court has also directed this Office to take a holistic view on the matter and consider the same within four weeks from the date of submission of affidavit/declaration in the format prescribed in Annexure C.

NOW THEREFORE, I Priyanka Mehtani, a Passport Authority in terms of Schedule I of the Passport Rules, 2000 read with Section 2 (c) of the Passports Act, 1967, do hereby release the passport application for further processing in compliance of Hon'ble High Court's order dated 20 December 2024."

3.2 Learned counsel for respondents No.1 and 2 submits that in pursuance of the order passed by this Court, the petitioner has already submitted another application which is still pending consideration before the passport authorities and no final decision has been taken thereon.

3.3 It is further informed that the prayer of the petitioner seeking issuance of passport in compliance of order dated 20.12.2024, passed by this Court shall be considered by the competent Authority within a period of three weeks from today.

4. Keeping in view the aforesaid submissions made by learned counsel for respondents No.1 and 2 and without commenting on the merits of the case, the present writ petition is disposed of with a direction to respondent No.2 (Regional Passport Officer, Chandigarh)/competent Authority to consider and decide the application seeking issuance of



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passport, submitted by the petitioner, within a period of three weeks from today.

5. All the pending application(s), if any, shall also stand closed.

10.01.2025

Himani

(HARSH BUNGER)
JUDGE

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