



CWP-14974-2025

1

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

(138)

CWP-14974-2025

Date of Decision : 22.05.2025

Kashmir Chand

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kanwar Abhay Singh, Advocate
for the petitioners.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus*, directing the respondents, to emboss the Special Power of Attorney dated 01.05.2025 (Annexure P-1), executed in Doha, Qatar, in favour of the petitioner, after relaxing the requirement of furnishing a duly attested and updated copy of executant's passport, as stipulated in respondent No.1's memo dated 14.09.2001 (Annexure P-2).

2. Learned counsel for the petitioner submits that the executants of Special Power of Attorney, is the real brother of the petitioner, and the Special Power of Attorney, was duly counter-signed by the Indian Embassy, at Doha, which clearly ruled out the element of fraud. He further submits that they are ready to submit the copy of the passport of the executants, but the passport, in fact, has been expired, and he has an apprehension that on account of expiry of the passport, the Special Power of Attorney, may not be embossed by the authorities concerned.



3. This Court has heard the submissions, as made by the learned counsel for the petitioner.

4. The necessity of requirement of embossment arises, on account of the provisions, as encapsulated under Section 18 of the Indian Stamps Act, 1899, which reads as under :-

“18. Instruments other than bills and notes executed out of [India] -

(1) Every instrument chargeable with duty executed only out of India, and not being a bill of exchange or promissory note, may be stamped within three months after it has been first received in [India]

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefore, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as the [State Government] may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.”

5. The study survey of the provisions, clearly reflects that the instrument, which is executed out of India, is required to be stamped, within a period of three months, after it has been first received in India. What further surfaced from the perusal of the instant petition, is that, the State of Punjab, has issued a circular dated 14.09.2001 (Annexure P-2), regarding embossment of all the documents, which requires the fulfillment of the hereinafter extracted conditions :-

“These are again summarized as under :-

i) Full Address of the Executant.

ii) Full Address of the person in whose favour the documents are to be executed.



- iii) The place of property or the place where the powers to be delegated through that document, are to be exercised.*
- iv) Clear date should be mentioned in the document at the time of the execution.*
- v) The document should be duly signed by the executant and witnessed by two persons giving their full addresses. This should also be attested by the Notary Public with seal.*
- vi) The paper on which the document is executed should be of the same country in which it is executed.*
- vii) The document to be embossed would be original and not its photo copy.*
- viii) The document should be got embossed within three months of the date of execution at the headquarters or from Commissioners of Divisions the office of Commissioners of Divisions.”*

6. Furthermore, in order to prevent frauds on the persons residing outside India, it has now been decided that the executant is also required to fulfill the following three requirements, in addition to those mentioned above, and the same are extracted hereinafter :-

- “i) The executant must mention his passport number in the document and affix his photograph on the relevant document duly attested by the Authority from whom the document is got attested.*
- ii) The document should be accompanied with a copy of the passport of the executant up to date duly attested.*
- iii) In addition to (i) and (ii) above the Special Power of Attorney and General Power of Attorney must be got counter-signed from the office of the Indian High Commission or the Embassy of India in that Country where it was executed with proper identification and verification by authorized officer before it is presented for embossing to prevent forgery.”*



CWP-14974-2025

4

7. The newly added aforesaid condition No.(ii), has caused grievance to the petitioner, which requires the submission of not only the photographs, but upto date passport of the executant.

8. This Court has gone through the entire case file, and available material on record, and is of the considered view that the condition No.(ii), which is included in the circular (Annexure P-2), is inserted only with an intent to eradicate the element of fraud.

9. In the instant case, the petitioner has duly executed the Special Power of Attorney, in his favour, which according to the petitioner, is duly counter-signed by the Indian Embassy, at Doha, where the executants is residing. Even, the petitioner is ready to submit the photographs, along with photocopy of the passport, though it may have been expired, therefore, this Court finds the merit in the instant petition, to issue a *mandamus*, upon the authorities concerned, to consider the case of the petitioner, and in case, he is able to satisfy, that there is no element of fraud, he may not be insisted for submission of duly updated copy of the passport of the executant.

10. Consequently, the instant writ petition is **disposed of**.

11. The aforesaid exercise, shall be concluded, within a period of 15 days, from the date of receipt of certified copy of this order.

(KULDEEP TIWARI)
JUDGE

May 22, 2025
Manpreet

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