



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

CWP-7265-2025

Date of Decision : **01.04.2025**

ARVIND VIKRAMJIT SINGH

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jaswinder Singh, Advocate and
Mr. Bhupinder Singh, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Ms. Sangeeta Srivastava, Advocate,
for respondent no.1-UOI (through V.C.)

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon the respondents to consider the application/representation dated 11.02.2025 (Annexure P-18), whereby, the petitioner made a request to the respondents to waive off fine/penalty amount of Rs.50,000/- so imposed, as a pre-condition for grant of Exit Permit to the petitioner vide communication Annexure P-17.

2. Learned counsel for the petitioner submits that earlier the petitioner had applied for the Canadian citizenship in October, 2023, and was enrolled as a citizen of Canada in December, 2023, and now he a

holder of Canadian passport, which was issued on 03.01.2024.

Thereupon, the petitioner applied for visitor's visa to India, for a period of one month, and he was granted E-Visa w.e.f. 22.02.2024 to 23.03.2024, and finally, he landed on Indira Gandhi International Airport, New Delhi on 01.03.2024.

3. During the course of stay, the petitioner suffered some medical issues, and he got treatment from different doctors, and accordingly, he applied for medical visa, which was granted by the office of respondent no.3, on two different occasion, w.e.f. 02.04.2024 to 30.06.2024 (Annexure P-4), and thereafter, 01.07.2024 to 31.07.2024 (Annexure P-5).

4. He further submits that in the month of August, 2024, the petitioner had applied for medical visa, as he having undergone Circumcision Operation on dated 12.08.2024, therefore, it is on account of his medical condition, the petitioner was unable to depart from the Indian soil.

5. Further, while referring to an unfortunate event of death in the family of the petitioner, learned counsel submits that the petitioner was unable to exit from India within the time period, for which the visa was granted, and, finally, he filed an application for extension of visa, which was declined, and vide Annexure P-17, a penalty of Rs.50,000/- was imposed upon the petitioner. Thereupon, the petitioner filed a detailed application/representation vide Annexure P-18, with a request for waiving off the penalty amount, and for grant of exit permit.

However, till date the said application/representation has not been decided by the competent authority, which caused grievance to the present petitioner, and propelled him to file the instant petition.

6. Finally, he submits that his only prayer is to pass a *mandamus* upon the official respondents to decide the application/representation (Annexure P-18), by the competent authority concerned.

7. Though this Court is not observing anything on merits of the instant case, whether, the penalty as imposed upon the petitioner, can be waived off, or not, however, it was incumbent upon the designated officials to decide the application/representation (Annexure P-18), so preferred by the petitioner. Therefore, this Court, deems it appropriate to pass a *mandamus* upon the competent authority amongst the respondents, to forthwith, decide the application/representation (Annexure P-18), within a period of 01 month from today.

8. However, the petitioner is directed to deposit the penalty amount of Rs.50,000/-, subject to the outcome of the decision, which is to be taken by the authority concerned, on the application/representation (*supra*).

9. **Disposed of** accordingly.

April 01, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No