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

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CWP-34610-2026

Date of Decision: 16.10.2026

STATE OF PUNJAB

...Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Chanchal K. Singla, Additional Advocate General, Punjab with Mr. Ferry Sofat, Additional Advocate General, Punjab and Mr. Kuljit Singh, Additional Advocate General, Punjab, for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India and Mr. Dheeraj Jain, Senior Advocate (Senior Panel Counsel) with Ms. Saigeeta Srivastava, Senior Panel Counsel and Ms. Shreyansi Verma, Central Government Counsel for the respondents.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed seeking a writ of *certiorari* setting aside the decision, Annexure P-7, conveyed by the Ministry of External Affairs, Government of India, with reference to application no. EPC090926131374FR, whereby political clearance has been denied to a delegation of the Government of Punjab to visit France for promotion of trade. Further, a writ of *mandamus* has been sought directing the respondents to grant the clearance forthwith for the said official visit of the delegation consisting of the Chief Minister, the Chief Secretary and the Principal Secretary to the Chief Minister, to France from 17.10.2026 to 21.10.2026.

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2. Pledged facts of the case in brief are, the State of Punjab is one of the leading agrarian States in the country. There is a growing need in the state to promote diversification, value addition, food processing, branding and international marketing of agricultural and processed food products. Its apex cooperative/the Punjab State Cooperative Supply and Marketing Federation Limited (for short, 'MARKFED') is one of the largest cooperatives in Asia, with an annual turnover of around ₹22,000 crores. It exports agricultural produce and products to different countries around the world, and many of its brands are globally recognised.

2.1. An international food industry trade show/exhibition, Salon International de l'Alimentation (for short, 'SIAL'), which is organised once in every two years, is scheduled to be held at the Paris Nord Villepinte Exhibition Centre, France, from 17.10.2026 to 21.10.2026, with expected participation of exhibitors from one hundred and thirty countries. The state Chief minister has been extended an invitation to visit the exhibition by SIAL under the patronage of the President of the French Republic. This is apparent from letter dated 22.09.2026, addressed by SIAL to the French Embassy in India, requesting to expedite the procedure for obtaining his visa; a copy of the letter produced by learned senior counsel for the petitioner is taken on record as Annexure 'A'.

2.2. The Agricultural and Processed Food Products Export Development Authority (for short, 'APEDA'), is a statutory body under the Ministry of Commerce and Industry, Government of India. It has confirmed the participation of MARKFED at SIAL food exhibition 2026 under the APEDA India Pavilion, vide letter dated 03.09.2026, Annexure P-2. The

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Government of Punjab has decided to send a high-level delegation led by the Chief Minister, the Chief Secretary and Principal Secretary to the Chief Minister to visit the exhibition and attend business meetings. Clearance for the visit was accorded by the state Government vide letters dated 02 and 03.09.2026, Annexures P-1 and P-3 respectively, and it sought clearance from the Ministry of External Affairs also. Awaiting response for some time, a reminder was sent to the Ministry of External Affairs vide letter dated 08.09.2026, Annexure P-4, with a request to accord sanction expeditiously to enable timely completion of formalities. The tentative itinerary of the Chief Minister, Annexure P-5, was also conveyed which included a meeting with the Punjabi diaspora, participation in opening of the SIAL food exhibition stall, meetings of the Chief Minister's delegation with participants of other countries and representatives of trade associations, chambers of commerce and industry and prospective investors, etc.

2.3. As per the procedure prescribed, on 09.09.2026 an application for political clearance to the delegation was uploaded on the official portal, e-Pol Clearance System of the Ministry of External Affairs, providing justification for the visit that –‘it would facilitate direct engagement with international buyers, importers, food companies, investors; provide opportunities for exploring business and investment openings and adoption of international best practices in food processing, strengthening international market linkages, promote exports, encourage food processing and create greater economic opportunities for the Punjab's agricultural sector, farmers and rural economy.

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2.4. The application remained pending with the Ministry and was finally declined on 12.10.2026 by refusing political clearance to the delegation as such by uploading status of the application on the official portal mentioning, '*Ministry of External Affairs has examined the proposal. Clearance from political angle is declined.*'

3. In this factual background, learned senior counsel for the petitioner contended that the action is patently illegal as the political clearance has been declined in arbitrary manner without affording any opportunity to the petitioner to explain the position, nor has any reason been assigned for the refusal. It is also contended that the denial has been conveyed at the eleventh hour only to frustrate the visit. The failure of the Chief Minister to visit SIAL food exhibition in Paris would adversely affect the State's interests. He also contended that earlier also permission for foreign visits of the Chief Minister to different countries, including Finland, Netherlands, Japan, Czech Republic, Korea Republic, Australia and Germany, was sought following the same procedure, and clearance for the same was duly accorded by the Government. And security interests of the Chief Minister, who is a Z-plus category protectee, were taken care of. Lastly, he contended that it is a political vendetta on the part of the Central Government, since the Government in the State of Punjab is led by an opposition party, and the ruling dispensation at the centre is trying to embarrass the Chief Minister by refusing clearance for his visit. This is discriminatory, particularly when the Chief Minister of neighbouring state of Haryana has recently been given the political clearance for visit to different countries, including Singapore.

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4. *Per contra*, learned senior counsel for the Union of India, has filed an affidavit of Aayush Gupta, Under Secretary (Europe West), Ministry of External Affairs, dated 16.10.2026, which is taken on record. Referring to the same, he contends that the grant or denial of political clearance for the visit abroad is a function assigned to the Ministry of External Affairs as the conduct of foreign relations is a responsibility of the Ministry. Strict adherence to the process of obtaining the clearance prior to undertaking foreign visit is mandatory to ensure safety, security, dignity and standing of the dignitary. The decision to grant or deny political clearance for visit by Ministers and Chief Ministers depends upon a range of factors, including bilateral relations, prevailing political situation, diplomatic climate and any anti-India activities being undertaken in or emanating from that country, etc. As a matter of practice, the reason for denial is not conveyed on the portal, as many times the permission is refused for 'sensitivity of matter which cannot be disclosed due to bearing on bilateral relations. Further, by referring to the affidavit, he contended that presence of a high state functionary, such as the Chief Minister of Punjab, is not commensurate to the nature and scale of the event being held. He faces serious threats to life from various terrorist outfits, and has requested comprehensive security cover during the visit to Paris. In the absence of a proper bilateral invitation from the foreign government, such security arrangements and protocol are simply unavailable, and to venture into a crowded commercial event in the absence of proper arrangements may expose the him to grave danger. Another reason mentioned is, there is no functional role being performed by the Chief Minister during the proposed visit. Lastly, he contended that there is no political vendetta in refusing

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clearance and the allegations to that effect are baseless. The Chief Minister has many times been accorded political clearance for visit to different countries, viz., Finland, Netherlands, Japan, etc., from time to time, which shows the grant of political clearance has been considered and accorded to the Chief Minister in a fair and proper manner. This time it has been refused prudently to prevent potential risk to his safety, and injury to his dignity.

5. Submissions made by learned counsel for the parties have been considered.

6. It is apparent on record that SIAL food exhibition is being held in Paris from 17.10.2026 to 21.10.2026, and the Chief minister has been invited to participate therein. The State Government has decided to send a three member delegation, as aforementioned, headed by the Chief Minister, and has accorded approval for the same vide letters dated 02.09.2026 and 03.09.2026, which was duly conveyed to the Ministry of External Affairs. It is also established on record that APEDA confirmed participation of MARKFED, and allotted a stall for it at the exhibition. The expenditure for the visit is to be borne by MARKFED only. The purpose of the visit has also been explained, viz., to facilitate direct engagement with international buyers, importers of food companies and investors, with a view to promoting investment opportunities and internationally adopted practices in food processing, etc. Since one of the prerequisites for this delegation to visit Paris is political clearance from the Ministry of External Affairs, an application for this purpose was submitted on 09.09.2026 by appending all relevant documents and providing justification for the visit also. The clearance, however, has been refused on 12.10.2026 by mentioning that it stands declined from '*political*



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angle'. It has not been explained what that political angle/viewpoint is, and whether political clearance means examining the application from a political angle. No reasons are forthcoming. The attempt by learned senior counsel for the Union of India to justify the denial, firstly, on the ground of lack of proper invitation from the foreign government, cannot be accepted in the face of letter dated 22.09.2026 sent by SIAL clearly mentioning, '*we are very pleased to count among our visitors Mr. Bhagwant Mann ... (w)e are convinced that this is an opportunity for Mr. Bhagwant Mann to establish professional contacts with French and international visitors and to negotiate contracts.*'

The second justification offered by learned senior counsel to deny the permission, i.e., lack of any functional role to be performed by the Chief Minister during the proposed visit, can also not be accepted as he himself is heading the delegation of the Government of Punjab which underscores his functional role. Further, it has not been explained as to why is there a requirement for the Ministry to examine functional role of the Chief Minister during the proposed visit. The requirement appears to be superfluous for the reason the clearance has been denied due to 'political angle' alone, and not on any functional aspect of the dignitary's visit. Furthermore, in view of the law settled by the Constitution Bench in *Mohinder Singh Gill and another v. The Chief Election Commissioner, New Delhi and others*, 1978 AIR Supreme Court 851, validity of an order must be judged by the reasons mentioned therein which cannot be supplemented by fresh reasons in the shape of an affidavit or otherwise. Accordingly, the reasons given in the affidavit filed on behalf the respondents cannot justify the order as the same do not find mention in the order.

7. In view of the discussion, the petition is allowed by setting aside the communication denying political clearance to the delegation of the Government of Punjab headed by S. Bhagwant Singh Mann, Chief Minister of Punjab, to visit Paris, France. The respondents are directed to urgently approve the visit of the delegation as per the programme conveyed by the petitioner, facilitate its departure in terms therewith, and extend all due protocols as per the prescribed procedure.

(TRIBHUVAN DAHIYA)
JUDGE

16.10.2026
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>