

Court No. - 40

Case :- WRIT - C No. - 33121 of 2023

Petitioner :- Abdul Hameed

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Janardan,Ashok Kumar Yadava

Counsel for Respondent :- A.S.G.I.,C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner, Smt. Tabassum Hashmi, learned counsel for Union of India and Sri F.A. Ansari, learned Standing Counsel for the State-respondents.

2. The present writ petition has been preferred seeking direction upon respondent no.2 for renewal of passport in favour of petitioner.

3. Learned counsel for the petitioner submitted that initially petitioner's passport was issued bearing No.L7128354 in the year 2014 which was valid upto 8.2.2024. He further submits that as the passport is going to expire, the petitioner has moved an application for renewal of the same but the same has not been processed by the Regional Passport Officer. He submits that even though one case was registered against the petitioner under Excise Act bearing Case Crime No.0323 of 2016, P.S. Pataherwa, District-Kushinagar but in the said proceeding till date no charge sheet has been submitted and the Court has not take cognizance. In this backdrop, learned counsel for the petitioner states that his application for renewal of passport has to be considered The grievance of the petitioner is that till date his application for renewal of passport has not been considered. Petitioner's case is covered by judgment and order dated 27.9.2021 passed by Hon'ble Supreme Court in the case of Vangala Kaustri Rang Acharyalu vs. Central Bureau of Investigation in Criminal Appeal No.1342 of 2017.

4. Learned counsel appearing for Union of India fairly submits that in case the application of the petitioner for renewal of passport is still pending, some reasonable time may be accorded, so that the same may be processed by the concerned authority.

5. Considering the facts and circumstances, we are of the view that

no useful purpose would be served by keeping this petition pending consideration and with the consent of the parties, we direct the Regional Passport Officer, Gorakhpur to consider the petitioner's application for renewal of passport but certainly after taking necessary comments from the concerned police station. The said exercise shall be done within two months from the date of production of a certified copy of this order. Needless to say that we have not adverted any opinion on the merits of the case.

6. With the aforesaid observation, the writ petition stands disposed of.

Order Date :- 31.10.2023

Manish Himwan