

Court No. - 40

Case :- WRIT - C No. - 32695 of 2023

Petitioner :- Nafees Ahmad

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Hasan Parvej

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

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner, Sri Ajay Kumar Gautam, learned counsel for Union of India-respondent no.1 and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for State-respondent nos.2 to 4.

2. The present writ petition has been preferred for directing the first respondent to issue fresh passport to the petitioner.

3. On 12.10.2023, this Court has passed following order :-

1. Heard learned counsel for the petitioner; Sri Ajay Kumar Gautam, learned counsel for the Union of India and Ms. Uttara Bahuguna, learned Additional Chief Standing Counsel for the State-respondent.

2. The present writ petition has been preferred for a mandamus directing the respondent no. 1 to consider the issuance of fresh passport of the petitioner submitted vide Application Reference No. (ARN)-20020708596 on 3.12.2022 within stipulated period. Further prayer has been made to direct the respondent no. 3 and 4 to take effective decision and resubmit the police verification report taking into consideration the true and correct facts within stipulated period.

3. Learned counsel for the petitioner submits that in the year 2011, a complaint was made under Section 4/10 of Forest Act, which was registered as Criminal Case No. 2440 of 2011 (State v/s. Mustkeem & others). Even though the said proceeding was closed by the concerned court vide judgment and order dated 9.2.2017 but every time the local police is sending an adverse report on account of which the application of the petitioner for passport is pending consideration and as such, the direction may be issued to the respondent no. 3 and 4 to submit a fresh correct police verification report at the earliest.

4. On the other hand, learned counsel for the Union of India submits that thrice the police verification report was called by the competent authority but every time, the adverse report was sent by the police authorities indicating therein the aforesaid criminal proceeding as such the application of the petitioner could not be processed.

5. Before proceeding further in the matter, let Ms. Uttara Bahuguna, learned ACSC seek instructions in the matter.

6. Put up this matter on 30.10.2023 as fresh.

7. Learned counsel for the petitioner is permitted to implead Regional Transport Officer, Bareilly forthwith.

4. In pursuance of aforesaid order, learned Additional Chief Standing Counsel has produced detailed instructions dated 29.10.2023 sent by Senior Superintendent of Police, Bareilly indicating therein that criminal case lodged against the petitioner is already closed way back on 9.12.2017, which is taken on record. Copies of the instructions dated 29.10.2023 is supplied to learned counsel for the petitioner as well as learned counsel appearing for Union of India. Learned Additional Chief Standing Counsel states that the report of the Senior Superintendent of Police, Bareilly would be definitely transmitted to the Regional Passport Officer within a week's time.

5. Considering the aforesaid factual aspect of the matter, once the State Government has placed detailed instructions, and there is no other criminal antecedent against the petitioner, we hope and trust that the application of the petitioner for renewal of passport must be processed in accordance with law within six weeks from the date of production of a certified copy of this order.

6. With the aforesaid observations, this writ petition stands disposed of.

Order Date :- 30.10.2023

Manish Himwan