

Court No. - 40

Case :- WRIT - C No. - 33262 of 2023

Petitioner :- Smt Chanda Devi Agrawal

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Sandeep Pandey

Counsel for Respondent :- A.S.G.I., Anupama Parashar, C.S.C., Narendra Kumar Tiwari

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Sandeep Pandey, learned counsel for the petitioner; learned Standing Counsel for State respondents; Shri S.K. Upadhyay holding brief of Ms. Anupama Parashar for Union of India and Shri Narendra Kumar Tiwari, learned counsel for Electricity Department.

2. Present writ petition has been preferred for a direction to respondent no.3 to renew the passport of the petitioner in response to his application dated 29.5.2022 in accordance with law within stipulated period.

3. On the matter being taken up on 31.10.2023, the Court has proceeded to pass the following detailed order:-

"1. Heard learned counsel for the petitioner and Sri Devesh Vikram, learned Additional Chief Standing Counsel for the State-respondent.

2. Learned counsel for the petitioner submits that the petitioner's application for passport is not being considered on account of registration of Case Crime No.561 of 2014 under Section 135 Electricity Act at P.S. Civil Lines, Prayagraj. He submits that the said case is compoundable and since lodging of the aforesaid case the petitioner is depositing the regular bill. In the said criminal proceeding, the petitioner had enquired whether police report has been submitted or not but he had not received any information. Even the Addl. District & Sessions Judge, Allahabad (EC Act) had also made certain correspondences to the Circle Officer, Civil Lines on 11.11.2022 and again on 18.10.203. Both the correspondences are also brought on record indicating therein that in the said proceeding police report is not available on record.

3. Considering such factual aspect of the matter, let the Executive Engineer, Purvanchal Vidyut Vitran Nigam Ltd. be impleaded as party respondent forthwith and the notices be also served upon Shri N.K. Tiwari, who is authorised to receive notice on behalf of the newly impleaded respondent.

4. Let Shri Devesh Vikram, learned Addl. Chief Standing Counsel and Shri N.K. Tiwari, learned counsel for the Electricity Department obtain instructions in the matter so that we may issue appropriate direction to the Regional Passport Officer.

5. Put up this matter again on 8.11.2023 as fresh."

4. In response to the aforesaid order, learned counsel for the Electricity Department has placed the instructions sent by the Executive Engineer, PVVNL, Mayohal, Prayagraj dated 20.11.2023, which is taken on record. He submits that as there was theft in the matter, proceedings were drawn under Section 135 of Electricity Act and assessment of Rs.14,735/- had been quantified. The same was deposited by the petitioner on 6.2.2015. He submits that once the petitioner has already deposited the requisite amount on 6.2.2015, no further steps were taken by the department. So far as proceeding under Section 135 of Electricity Act is concerned, definitely the same is engaging the attention before the competent civil court.

5. Learned counsel for the Union has also placed the instructions dated 3.10.2023 sent by the Senior Superintendent (Legal Cell), Passport Office, Ministry of External Affairs, Government of India, which is taken on record. He submits that on the application of the petitioner for renewal of passport, an adverse police verification report was received on 22.8.2022 with a remark "Crime No.561 of 2014 u/s 135 Electricity Act registered' against the petitioner. Accordingly the application was not processed.

6. Learned counsel for the petitioner, in this backdrop, states that only complaint case was registered under Section 135 of the Electricity Act and till date police report has not been submitted to the competent court in the said case. He submits that the said case is compoundable under Section 152 of the Electricity Act. Moreover, the assessment made has also been deposited way back on 6.2.2015 and at present there is no outstanding amount qua the electricity department. Therefore, the application of the petitioner for renewal of passport is liable to be considered as per law.

7. Considering the facts and circumstances of the case, we are of the considered opinion that the criminal case as has been indicated above is not of such nature, which may deny the rightful claim of the petitioner to get renewed his passport. Accordingly, direction is issued to the respondents to process the application of the petitioner in accordance with law forthwith.

8. The writ petition stands **disposed of** accordingly.

Order Date :- 21.11.2023

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