

Court No. - 40

Case :- WRIT - C No. - 34839 of 2023

Petitioner :- Abdullah

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Shahzad Alam

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

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri S.K. Haider, learned counsel holding brief of Sri Shahzad Alam, learned counsel for the petitioner, learned Additional Chief Standing Counsel for the State-respondents and Mrs. Ritu, learned A.S.G.I. for the Union of India.

2. The petitioner has preferred this writ petition for a direction in the nature of mandamus directing the authorities concerned to renew and issue afresh passport in favour of the petitioner in respect of application reference no.23-2002370368 dated 08.06.2023 having passport no.L3854459.

3. Mrs. Ritu, learned A.S.G.I. for the Union of India has placed detailed instruction dated 18.10.2023 sent by Senior Superintendent (Legal Cell), Ministry of External Affairs, Passport Office indicating therein that there is an adverse police verification report received by the department on 03.07.2023 with the remark that a criminal case being Case Crime No.60/2022 under Sections 323, 504, 506 IPC at Police Station Gambhirpur, District Azamgarh has been registered against the petitioner. It is also objected that while moving the application, the petitioner has also suppressed material information by hiding pending court matter in his passport application. Accordingly, a show cause notice was also issued to the petitioner.

4. In response to the above, learned counsel for the petitioner fairly states that the petitioner has no knowledge regarding the aforesaid criminal case and he has been falsely implicated in the aforesaid case. At present, he is working as a driver at Jeddah, Saudi Arabia. Moreover the crime is not so serious that the petitioner's application should not be processed. The offences as alleged in the First Information Report are non-cognizable offences and the maximum imprisonment for the same is not exceeding 2 years. Till date, no chargesheet has been filed.

5. Considering the facts and circumstances of the case, let the petitioner approach to the respondents authorities within two

weeks for renewal of his passport and file an application alongwith requisite papers in support of his claim. If such an application is moved, definitely the same would be considered and decided as per law.

6. The writ petition is disposed of with the aforesaid observation.

Order Date :- 24.11.2023
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