

Court No. - 40

Case :- WRIT - C No. - 37618 of 2023

Petitioner :- Divyansh Tiwari

Respondent :- Union Of India And Another

Counsel for Petitioner :- Amar Nath Tiwari, Mohammad Abid Ali

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

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and learned A.S.G.I. on behalf of Union of India.

2. Present writ petition has been filed for the following reliefs:-

"i. issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 to keep the activation of the passport no.W7426112 issued on 12.12.2022 to the petitioner during the pendency of Criminal Misc. Application No.15326 of 2019.

ii. issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 not to take any coercive action against the petitioner under Section 12 (1) (b) of Passport Act, 1967 in issuance of his passport no.W7426112 dated 12.12.2022 during pendency of Criminal Misc. Application No.15326 of 2019."

3. Facts in brief are that the petitioner was issued a passport by the respondents on 12.12.2022. On 21.12.2022 a letter was issued by the respondents informing the petitioner that the passport so issued would be recalled as the concerned police authorities have given an adverse report to the effect that a criminal case is registered against the petitioner bearing Case Crime No.170 of 2017, under Section 323, 452, 504, I.P.C., Police Station Sarpatahan, District Jaunpur.

4. Learned counsel for the petitioner states that the petitioner has already filed an objection to the impugned show cause notice on 31.01.2023 but till date the same has not been decided.

5. Considering the facts and circumstances and without adverting on merits, the writ petition is ***disposed of*** asking the second respondent to consider and decide the objection of the petitioner expeditiously as per law.

Order Date :- 1.11.2023

S.P.