

Court No. - 40

Case :- WRIT - C No. - 40232 of 2023

Petitioner :- Restam Ali

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Ashwani Kumar Pathak

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

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Ashwani Kumar Pathak, learned counsel for the petitioner, Shri Bal Mukund, learned counsel appearing on behalf of Union of India and Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The present writ petition is preferred for the following reliefs :-

"(i) issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to re-issue passport of the petitioner within stipulated time.

(ii) issue a writ, order or direction in the nature of mandamus commanding/directing the respondent no. 4 to verify/re-issue the application No. LK1075690758421 of petitioner and respondent no. 5 send a report to the concerned passport authority for re-issuance of passport of the petitioner within stipulated period."

3. Learned counsel for the petitioner in support of his submissions, has placed reliance that, initially, the passport was issued in favour of the petitioner and submits that against the petitioner, one case crime no. 1293 of 2009, under Sections 279, 337, 338 of IPC, P.S.- Chiluwatal, District- Gorakhpur was lodged and in the said case, the petitioner has granted bail and accordingly, Permanent Lok Adalat had imposed Rs. 800/- as punishment. Thereafter, the case was decided on 14.05.2022, the same is also brought on record as Annexure-3 to the writ petition. In this backdrop, learned counsel for the petitioner states that except the aforesaid criminal case, there is no other criminal antecedents against the petitioner. He states that his application is to be processed at the earliest otherwise, he would suffer irreparable loss.

4. Learned counsel appearing for the Union of India states that any such application is still pending consideration, definitely, the same shall be processed strictly in accordance with law.

5. Considering the facts and circumstances, we are not inclined to keep the matter pending consideration. With the consent of counsel for the parties, we **dispose of** the present writ petition asking the Regional Passport Officer at Gorakhpur to make a final call on the application of the petitioner within four weeks from the date of production of certified copy of this order but certainly taking into account the criminal antecedents which is already finalised by the Permanent Lok Adalat.

Order Date :- 23.11.2023
Rama Kant