

Court No. - 32

Case :- WRIT - C No. - 41694 of 2023

Petitioner :- Jagdish Singh

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Neeraj Singh Yadav, Ritesh Rai

Counsel for Respondent :- A.S.G.I., Saurabh Kumar Tripathi

Hon'ble Salil Kumar Rai, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Heard the counsel for the petitioner and Shri Puneet Srivastava, the counsel for the respondents.

The present petition has been filed praying for the following relief : -

"(i) Issue a writ, order or direction in the nature of mandamus directing the respondents to issue renewed passport to the petitioner (File No. GZ107867372103) within a time bound period."

It appears from the records annexed with the writ petition that no orders are being passed on the application of the petitioner because of the pendency of Case No. 385 of 2017 in Case Crime No. 525 of 2016 under Sections 323, 324, 504, 506 of Indian Penal Code and Section 3(1)(10) SC/ST Act.

In view of the aforesaid, there is no illegality in the act of the passport department in not issuing the passport of the petitioner under clause (f) of sub-section (2) of Section 6 of the Passports Act, 1967. However, in view of the office memorandum dated 10th October, 2019, No.VI/401/1/5/2019 which provides that the persons against whom criminal cases are pending may be exempted from the operation of Section 6 (2) (f) of the Act, 1967, in case, they produce orders from the court concerned permitting them to depart from India subject to the conditions enumerated in GSR 570 (E) dated 25.08.1993.

The petitioner may take steps for issuance of his passport in accordance with the conditions prescribed in the office memorandum dated 10th October, 2019 and in case, the petitioner fulfills the requirement prescribed in the said office memorandum, the concerned authority shall consider the case of the petitioner for issuance of his passport.

With the aforesaid observation, the writ petition is **disposed of**.

Order Date :- 11.12.2023

SP/-