Court No. - 32

Case :- WRIT - C No. - 41850 of 2023
Petitioner :- Kamal Kumar Gupta
Respondent :- Union Of India And 2 Others
Counsel for Petitioner :- Shreya Gupta,Ravi Anand Agarwal
Counsel for Respondent :- A.S.G.I.

Hon'ble Salil Kumar Rai,J.
Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard the counsel for the petitioner.

2. The present petition has been filed praying for a mandamus commanding the concerned respondents to issue passport in favour of the petitioner.

3. From the pleadings in the petition and the documents annexed with the same, it appears that the passport of the petitioner is not being issued because a criminal case is pending against the petitioner.

4. 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.

5. 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.

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

Order Date :- 12.12.2023
Arif

Digitally signed by :-
MOHAMMAD ARIF
High Court of Judicature at Allahabad