

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**WP (C) No. 884/2025
CM No. 2316/2025**

Bashir Ahmad Khan & Anr.

... Petitioner (s)

Through: -
Mr Nisar Ahmad Bhat, Advocate.

V/s

Union of India and Ors.

... Respondent(s)

Through: -
Mr T. M. Shamsi, DSGI for R-1 & 2; and
Mr Ilyas Nazir Laway, GA for R-3.

CORAM:

Hon'ble Mr Justice Wasim Sadiq Nargal, Judge.

(ORDER)

31.05.2025

01. Heard learned Counsel appearing on behalf of both the sides.
02. Through the medium of the instant Petition, the Petitioners have sought the indulgence of this Court in granting them the following relief(s):

- i. By issuance of a 'writ of certiorari, or any other appropriate Writ, Order or direction, the impugned Order dated 16th of May, 2024 issued by the Respondent No.2, whereby the application of the Petitioner No.1 for issuance of passport has been refused, be quashed;
- ii. By issuance of a Writ of Certiorari, or any other appropriate Writ, Order or direction, the Respondents be directed to issue the passport in favour of Petitioner No.1 and re-issue the passport in favour of the Petitioner No.2 for a full term of 10 years;

- iii. Any other writ, order or direction which this Hon'ble Court deems fit and proper, in the attending facts and circumstances of the case, may also be passed in favour of the Petitioners and against the Respondents.”

03. This Court, vide Order dated 28th of April, 2025, directed the learned Counsel appearing on behalf of Respondent No. 3, i.e., Additional Director General of Police (CID), J&K, to produce the adverse report/material, if any, qua the Petitioners before this Court with respect to grant of passport in their favour in a sealed cover for examination by this Court.

04. In compliance of the aforesaid Order passed by this Court, the said information has been provided to this Court in a sealed cover by Mr. Ilyas Nazir Laway, learned Government Advocate, appearing for Respondent No. 3.

05. The said sealed envelope was directed to be opened by the Bench Secretary of this Court and on perusal of the same, this Court is of the opinion that the adverse material/ information supplied therein with regard to the Petitioners cannot be a legal impediment in issuing passport in their favour, more particularly, when the Petitioner No.1 has already been granted the passport initially on 11th of October, 2000 and, subsequently, on 27th of February, 2013 and the Petitioner No.2 on 10th of July, 2013 by none other than the Respondent No.2-Regional Passport Officer, Kashmir, Srinagar by rejecting the aforesaid adverse material.

06. It is pertinent to mention here that the aforesaid information/ report which has been supplied to this Court by Mr. Laway in a sealed envelope pertains to the years 1990 and 1992, meaning thereby, that same cannot be said to be something new, so as to become an impediment for the Passport Issuing

Authority not to grant passport in favour of the Petitioners at this point of time, rather, the Respondent No. 3 is banking upon an information/ report which was already existing at the time when the passports were issued in favour of the Petitioners not once, but twice, as observed hereinabove. At that relevant point of time, the said information/ report was discarded by the Passport Issuing Authority and passports were issued in favour of the Petitioners. That being so, this Court is of the considered opinion that the information/ material which has been provided to this Court by the Respondents cannot act as a legal impediment for the Passport Issuing Authority, i.e., Respondent No. 2 herein to consider the case of the Petitioners for grant of passport in their favour, more particularly, when there is no fresh adverse report/material which would come in the way of the Respondent No. 2 to issue passport in favour of the Petitioners.

07. In the aforesaid backdrop and with the consent of the learned Counsel appearing for the parties, this Court deems it proper to dispose of the instant Petition by directing the Respondent No.2-Regional Passport, Officer, Kashmir, Srinagar to re-consider the entire issue with regard to the grant of passport in favour of the Petitioners and pass appropriate orders thereon strictly in conformity with the Passport Act and Rules framed thereunder as also keeping in view the observations made by this Court hereinabove as expeditiously as possible, preferably within a period of four weeks from the date a copy of this Order is served upon them by the Petitioners. **Ordered accordingly.**

08. Writ Petition is, accordingly, **disposed** of in the manner indicated above.

09. The information/ report which has been supplied to this Court by Mr. Laway, learned Government Advocate, is returned back to him after getting the same properly sealed by the Bench Secretary of this Court.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

31.05.2025

Shoaib

