

Court No. - 2

Case :- WRIT - C No. - 5985 of 2025

Petitioner :- Shyam Sundar Pal

Respondent :- Union Of India Thru. Secy. External Affairs New Delhi
And 3 Others

Counsel for Petitioner :- Suresh Chandra Tiwari

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

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri S.C. Tiwari, learned counsel for the petitioner as well as Sri Arun Pandey, learned counsel appearing on behalf of respondents No. 1 & 2.

2. The present petition has been filed to command the opposite parties to consider the renewal application No. MUS497304345925 dated 04.11.2025 bearing passport No. M9449652 dated 28.7.2015 valid upto 27.07.2025, issued in favour of the petitioner.

3. It has been submitted by learned counsel for the petitioner that the petitioner has moved an application for renewal of his passport on 4.1.2025, but the same has not been decided by respondent No.2 and accordingly he has approached this Court, praying for a direction to the respondents to consider his renewal application dated 4.1.2025 and to renew his passport. It has further been submitted that initially the passport was issued in favour of the petitioner on 31.1.2006 and was renewed on 28.7.2015 which is valid till 27.7.2025. The petitioner has again applied for renewal of the passport and during that period, it has been stated that an F.I.R. has been lodged against the petitioner in Case Crime No. 211 of 2016, under Section 60 Excise Act, P.S. Haiderganj, District Ayodhya, wherein the petitioner has been released on probation. Learned counsel for the petitioner has further relied upon various judgements of the Supreme Court according to which issuance of a passport gives a right to travel abroad which is a valuable part of personal liberty within the meaning of Article 21 of the Constitution of India and non grant or refusal of the same cannot be discriminatory or arbitrary.

4. Further we find that the coordinate Bench of this Court in the case of ***Pawan Kumar Rajbhar vs. Union of India and others; Writ C No. 41540 of 2023*** in similar circumstances had directed the competent authority i.e. Regional Passport Officer to pass appropriate orders on the application for grant and renewal of

the licence and cannot withhold such application without passing any order.

5. The Supreme Court, in the case of *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation; (2021) SCC OnLine (SC) 3549*, has held that the passport authority cannot refuse to renew the passport on the ground of pendency of criminal appeal and in the aforesaid circumstances had directed the passport officer to renew the passport without raising any objection on the pendency of the criminal appeal in the Court, subject to other conditions to be fulfilled.

6. Accordingly, we find that the Passport Officer/Regional Passport Officer is under legal duty to consider the application for grant and renewal of passport with expedition.

7. In view of the aforesaid, we are of the considered view that the Passport Officer cannot sit over the application for an inordinate length of time without taking any decision with regard to renewal of the passport.

8. Accordingly, the case for interference in the matter is made out and hence, respondent No.2 is directed to pass appropriate orders on the application for renewal, preferred by the petitioner within a period of next 10 days from the date a certified copy of this order is produced before him, in accordance with law and communicate the same to the petitioner.

9. With the aforesaid direction, the petition is **disposed of**.

Order Date :- 23.6.2025

Vandana

(Arun Kumar Singh Deshwal,J) (Alok Mathur,J.)