

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 16590 of 2007

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Home.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not issuing the passport to the petitioner on the basis of letter HYDHO2522206, dated 31.08.2006, as illegal, arbitrary and violation of Article 21 of the Constitution of India; and consequently to direct the respondents to issue passport to the petitioner.

The averments in the affidavit filed in support of the writ petition would show that in the month of October, 2000 the petitioner made an application before the first respondent for issuance of passport. Vide letter, dated 18.12.2000, the first respondent asked the petitioner to meet him in the office. When the petitioner went to the first respondent office, they informed him that the police have sent a report stating that the petitioner is involved in a criminal case. It is stated in the affidavit that on 22.12.2003 the petitioner gave a detailed representation requesting to issue the passport, but there was no response from the first respondent. While things stood, the petitioner once again made an application on 18.08.2006. For that, the first respondent issued a letter dated 31.08.2006 stating that the petitioner suppressed the material information about his previous passport and directed him to surrender the same ie. PPS A 144222/00 and 30 (968) POL/98. On 12.09.2006 the petitioner gave a detailed representation stating that he has not received any passport, hence the question of suppression of information does not arise. Challenging the action of the respondents in not issuing the passport, the present writ petition is filed.

A counter came to be filed by the first respondent denying the allegations made in the affidavit filed in support of the petition. It has been stated in para No.2 of the counter that the Commissioner of Police, Hyderabad in his letter No.SB/F5/165/V/2000 dated 06.02.2001 informed the respondents that the petitioner is not residing in the address mentioned in the application and he has not recommended for issuance of the passport. The Assistant Commissioner of Police,

Special Branch, West Zone, had informed to the first respondent that the petitioner's brother, who is having links with ISI agents is absconding and incidentally the petitioner's brother name and the petitioner's name are similar. It is further stated that the police are not recommending issuance of the passport to the petitioner as there is every possibility of he misusing the same as petitioner's brother is helping ISI agents. It is further stated in para No.3 of the counter that the petitioner submitted one more application on 18.08.2006 vide H/025222/06 by suppressing the material information regarding his application submitted in the year 2000, to which the respondents office has received adverse police verification report against the petitioner. Since the explanation furnished by the petitioner is not convincing and in view of the grave charges leveled by Inspector General of Police (Intelligence), Hyderabad and others the petitioner has been advised to approach the police authorities concerned to expedite the fresh police verification report. For the aforesaid reasons, the respondents refused to grant passport to the petitioner.

Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer by stating that he may be permitted to make a fresh application for grant of passport, in which event the same may be considered in accordance with law.

There is no bar for the petitioner making an application seeking passport. It is always open to him to avail the remedies available under law. But, having regard to the nature of allegations made in the counter filed by the respondents and also taking into consideration the report of the intelligence agency, I see no merits in the present petition. However, the petitioner is always at liberty to make an application before the authorities seeking passport, in which event, the same shall be dealt with in accordance with law.

Accordingly, the Writ Petition is dismissed. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

27.11.2015

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