

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

FRIDAY, THE TWENTY SIXTH DAY OF DECEMBER,
TWO THOUSAND AND FOURTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WP .NO: 38645 of 2014

Between:

Nagam Venkata Naga Suresh, S/o.Ramanjaneya Vara Prasad,
R/o.16-42-41/4, Besides Sagar Public School, Pallam Raju Nagar,
Kakinada, E.G. Dist.(A.P.)

..... Petitioner

AND

- 1 Union of India, rep. by its Joint Secretary, Ministry of External Affairs,
(CPV Division), New Delhi.
- 2 The Regional Passport Office, Rep. by its Passport Officer, Botcha
Square, D.No.39-6-71, Kapparada Village, Opp: Birla Junction, Murali
Nagar, Visakhapatnam.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in insisting to submit Annexure-K affidavit for issuance of a fresh passport and putting the petitioner's application for a passport on hold as illegal, arbitrary and in violation of Art.14, 19 and 21 of the Constitution of India and consequently direct the 2nd respondent to process the petitioner's application for a passport without insisting on submission of Annexure-K affidavit.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Ms. Sindoor V.N.L., Advocate for the Petitioner and Sri B. Narayana Reddy, Asst. Solicitor General for the Respondents, the Court made the following

ORDER:

The application for grant of passport of the petitioner is rejected on the ground that the petitioner has disclosed the status as 'separate' in the application form against the relevant column, but not enclosed the affidavit as required in Annexure-K appended to the Passport Rules, 1980. However, according to the learned counsel for the petitioner, Annexure-K is applicable only in case of reissue of passport, whereas the petitioner's application is for fresh passport. Therefore, the declaration as sought for, as per Annexure-K, is not applicable and as the petitioner has shown his marital status as 'separated', that is sufficient for consideration.

In the instructions furnished to the learned Assistant Solicitor

General, it is reiterated that Annexure-K has to be filled, but whether passport authority can insist for declaration of status in case of fresh passport, since a bare look at the declaration format of Annexure-K, it only talks about reissue of passport, but not a fresh passport. Thus counter affidavit is necessary. The respondents are directed to file counter affidavit by the next date of hearing.

Contd...2/P

The matter stands adjourned to 20.01.2015.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Joint Secretary, Ministry of External Affairs, (CPV Division), Union of India, New Delhi.
- 2 The Passport Officer, Regional Passport Office, Botcha Square, D.No.39-6-71, Kapparada Village, Opp: Birla Junction, Murali Nagar, Visakhapatnam.
(Addressees 1 & 2 BY RPAD)
- 3 One CC to Ms. Sindoor V.N.L., Advocate (OPUC)
- 4 One CC to Sri B. Narayana Reddy, Asst. Solicitor General (**By Spl. Messenger**)
- 5 One spare copy.

nnr

HIGH COURT

PNR,J

DATED: 26-12-2014

NOTE: Post on 20-01-2015

ORDER

W.P.NO. 38645 OF 2014

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 03-01-2015

PNR,J

DATED: 26-12-2014

NOTE: Post on 20-01-2015

ORDER

W.P.NO. 38645 OF 2014

DIRECTION