

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 812/2016

(MOHAMMAD KALEEM SHEIKH CHAND **VERSUS** UNION OF INDIA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri M. Badar, counsel for the petitioner.
 Mrs. M.R. Chandurkar, counsel for the R-1 & 2.
 Mrs. A.R. Kulkarni, A.G.P. for the R-3.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : APRIL 11, 2016.

By this writ petition, the petitioner seeks a direction to the respondent no.2-Regional Passport Officer to issue the ordinary passport to the petitioner.

It appears from a perusal of the documents annexed to the writ petition that the application made by the petitioner for grant of passport was refused by the Passport Officer as per the instructions received from the Security Agency of the Government on the ground that the petitioner is involved in anti-social activities in India. The Passport Officer appears to have refused the passport facility to the petitioner in view of the provisions of Section 6(2)(c) of the Passport Act. It is further stated in the order dated 06.01.2016 that the petitioner is free to file an appeal against the decision of the respondent no.2 to the Chief Passport Officer, Ministry of External Affairs, New Delhi within a period of thirty days. In stead of challenging the said order in this writ petition, the petitioner has simply sought a direction to the respondent no.2-Passport Officer to issue the Passport to the petitioner.

Mrs.Chandurkar, the learned counsel for the respondent nos.1 and 2, states that it would be necessary for the petitioner to file an appeal against the order refusing to grant the passport under Section 11 of the Passport Act. It is stated that in stead of availing the alternate remedy, the petitioner has approached this Court.

Mrs. Kulkarni, the learned Assistant Government Pleader appearing on behalf of the respondent no.3, has produced the Intelligence Report in respect of the petitioner in the Court, only for the perusal of this Court, as the same is confidential.

In the circumstances of the case, in our view, it would be necessary for the petitioner to avail the alternate remedy of filing an appeal against the order of the Passport Officer under Section 11 of the Passport Act.

The learned counsel for the petitioner states that the petitioner would file an appeal before the Appellate Authority under Section 11 of the Act and the Appellate Authority may be directed to decide the same within a time frame.

In view of the statements recorded hereinabove, we dispose of the writ petition with a request to the Appellate Authority under Section 11 of the Passports Act to decide the appeal of the petitioner, if filed, as early as possible.

Order accordingly. No costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

APTE