

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.17264 OF 2016

ORDER:

This Writ Petition is filed seeking to declare the action of respondent in refusing to issue passport to the petitioner on the ground that he was involved in election offences despite submitting the G.O. and Judgments showing that one case was withdrawn and in the other two cases fine was imposed, as illegal and arbitrary.

The case of the petitioner is that he applied for passport through online on 18.08.2014. After verification, respondent authority informed him that they have received adverse police report stating that Crime Nos.400 to 402 of 2013 are pending against him, and requested him to furnish the acquittal orders. Thereafter, he informed the respondent authority that Crime No.400 of 2013 was withdrawn by the Government vide G.O.Rt.No.647, dated 04.06.2015, and in Crime Nos.401 and 402 of 2013, he pleaded guilty and was sentenced to pay fine in each of the case. It is his case that he paid the fine amount. On giving the said information, he was directed to pay Rs.5,000/- as penalty for suppression of the aforesaid information of pendency of cases and he has paid the same. It is his further case that as on today, though no case is pending against him, the respondent authority by proceedings, dated 29.02.2016, informed him that there is

adverse report against him and as such, they cannot issue passport to him. Aggrieved by the same, the present Writ Petition is filed.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent.

Learned Standing Counsel for the respondent produced written instructions obtained from the passport office, wherein it is stated that the petitioner applied for passport vide file No.Hy6067882628114 and on verification, adverse report was received from the police stating that Crime Nos.400 to 402 of 2013 were registered against him and though Crime No.400 of 2013 ended in acquittal, he was convicted in Crime Nos.401 and 402 of 2013. It is also stated that clear police verification is mandatory and police has not recommended for issuance of passport.

It is to be seen that for refusing issuance of passport, respondent authority has to strictly follow Section 6 of the Passport Act, 1967. On earlier occasion, respondent has refused to grant passport only on the ground that criminal cases are pending against the petitioner. Now, evidence is produced to show that one case is withdrawn and ended in acquittal, and in other two cases, the petitioner paid fine amount. As such, as on today, no case is pending against the petitioner. In view of

the same, even after penalty is paid, respondent authority cannot deny issuance of passport to the petitioner.

Hence, the respondent authority is directed to reconsider the case of the petitioner by taking into account above facts and circumstances, unless any fresh cases are registered against him, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

REDDY, J

A. RAJASHEKER

July 04, 2016
MD