

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42281 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a direction to the 2nd respondent-Regional Passport Officer, Hyderabad, to renew his passport for a period of ten years in terms of Rule 12(1) of the Passport Rules, 1980, without any reference to the Notification in G.S.R 570(e) dated 25.8.1993 issued by the 1st respondent.

2. In the affidavit it is stated that the petitioner, who is accused No.1 in PRC No.20 of 2014 on the file of the XXV Metropolitan Magistrate, Cyberabad at Kukatpally, obtained anticipatory bail. He also filed Crl.P.No.6342 of 2015 before this Court to quash the proceedings against him in the above P.R.C. and this Court granted interim stay of all further proceedings in the above P.R.C. When the application filed by the petitioner before the Court concerned seeking to permit him to travel abroad, was dismissed, he approached this Court by filing Crl.R.C.No.1315 of 2016, wherein this Court passed the following order:

“The petitioner is permitted to file an application before the passport authorities concerned for renewal of his passport and on such application being filed, the passport authorities concerned shall renew the same, in accordance with law. The petitioner is permitted to leave abroad, after filing an affidavit before the Court below informing the date on which he is leaving India and also the date on which he is returning.”

In pursuance of the orders of this Court, the petitioner filed an application before the 2nd respondent for renewal of his passport. The 2nd respondent has issued passport valid for a period of one year only. Aggrieved by the same, the petitioner approached this Court.

3. The main contention raised by Sri D.V. Sitarama Murty, the learned Senior Counsel, on behalf of the petitioner is that whenever an order was passed by this Court directing the authorities concerned to renew the passport, if no period is specified, the passport authorities used to renew the passport for a period of one year and hence, the petitioner approached this Court seeking a direction to the authorities to issue/renew the passport in terms of Rule 12 (1) of the Passport Rules, 1980.

4. Considering the facts and circumstances of the case and in view of the provisions under Rule 12(1) of the Passport Rules, this Court is inclined to pass the following order:

“The 2nd respondent is directed to pass appropriate orders, whenever an application is filed by the petitioner for renewal of his passport, in accordance with law, without any reference to the Notification in G.S.R.570(e) dated 25.8.1993. It is also made clear that the order passed by this Court earlier in Crl.R.C.No.1315 of 2016, wherein no period was specified, will not stand in the way of the 2nd respondent in passing appropriate orders on the application of the petitioner.”

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 8th December, 2016
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