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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8369 OF 2016

Naveen Kumar Sharma

... Petitioner

vs.

Union of India & Anr.

...Respondents

Mr. Naveen Kumar Sharma - Petitioner in person.

Mr. H. V. Mehta a/w Ms. Purnima Awasthi for the Respondents (UOI).

CORAM : A.S.OKA, &

A. K. MENON, JJ.

DATE : 3RD APRIL, 2017

PC.

. Heard the petitioner appearing in person and the learned counsel appearing for the first and second respondents. FIR has been registered against the present petitioner vide C.R. No.65 of 2015 with Dehu Road Police Station, Pune. The petitioner made an application being Misc. Application No.479 of 2015 before the learned Judicial Magistrate of the First Class, Vadgaon seeking permission to renew his passport. By order dated 5th October, 2015 the learned Magistrate allowed the said application by passing the following order:-

“1. Application is allowed.

2. The permission for renewal of passport is granted to the applicant Naveen Kumar Sharma with condition that he shall not leave India without permission of this Court.”

2. On the basis of the said order, the said second respondent renewed the passport of the petitioner for a period of one year (from 18th March, 2016 to 17th March, 2017). The prayer in this petition under Article 226 of the Constitution of India is for directing the respondents to extend the validity of passport by a further period of 9 years.

3. The petitioner appearing in person relies upon the judgment and order dated 30th November, 2016 in writ petition no.1278 of 2016 in the case of Samip Ranjani v/s. Union of India and others which in turn relies upon the judgment and order dated 13th March, 2014 in Writ Petition No.361 of 2014 in the case of **Narendra Ambwani v/s. Union of India**. In the reply filed by the second respondent, reliance is placed on clause (ii) of paragraph 2 of Notification dated 25th August, 1993 by contending that as the order of the learned Magistrate does not specify the period for which the passport should be issued, it has been renewed for a period of one year.

4. Perusal of the prayer made by the petitioner before the learned Magistrate shows that there was no prayer made seeking a direction or permission to renew passport as per the provisions of the Passport Rules or for a specific period. The order of the learned Magistrate does not

direct either that the passport should be renewed as per the Passport Rules or for a specific period. That is the reason why by relying upon sub clause (ii) of paragraph 2 of Notification dated 25th August, 1993 issued by the Government of India, the passport has been renewed only for a period of one year. The said period of one year has expired on 17th March, 2017.

5. The petitioner appearing in person pointed out that C.R. No.65 of 2015 in which permission was sought by him, police have filed report claiming B Summary and the report is pending after issuing notice to the first informant.

6. If there is an order of the learned Magistrate directing renewal of the passport as per Passport Rules, 1980 for a specific period of 10 years, then the passport authorities are bound to renew the passport for a period of 10 years as held in the case of Narendra Ambwani. In the present case, the order of the learned Magistrate does not direct renewal in terms of the Passport Rules or for a specific period.

7. In any event, now the passport has expired on 17th March, 2017. The remedy of the petitioner is now to apply for a fresh permission to the learned Magistrate for seeking renewal either in terms of the

Passport Rules, 1980 or for a specific period.

8. If the petitioner is right in saying that in C.R. No.65 of 2015 a report claiming B Summary has been filed, unless there is any compelling reason, we do not see any impediment in the way of grant of permission to renew the passport for a period of 10 years as provided in the Passport Rules.

8. Therefore, we dispose of the petition by passing the following order:-

- (i) It will be open for the petitioner to make a fresh application to the learned Magistrate for a grant of permission for renewal of passport for a period of 10 years;
- (ii) If such application is made, the same shall be decided as expeditiously as possible in the light of the observations made in this judgment and order;
- (iii) All concerned to act upon an authenticated copy of the judgment and order.

(A. K. MENON, J.)

(A. S. OKA, J.)