

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 19643 of 2014

ORDER :

Heard both sides.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the second respondent in rejecting to issue verification certificate vide proceedings No.CN 175/ SB/ F/ 2014, dated 26.06.2014, for the purpose of issuing the same in securing a passport to the petitioner under Tatkal provision, as illegal and arbitrary.

3. The petitioner is said to be a Member of Legislative Assembly, Telangana State for the years 2014-2019 from Manthani constituency, Karimnagar District. The petitioner is said to have been made an application before the second respondent for issuance of a verification certificate, in order to submit the same before respondent No.3, as the same is mandatory for issuance of passport under the Tatkal scheme. Respondent No.2 is said to have rejected the request made by the petitioner vide order dated 26.06.2014, on the ground that he is involved in 11 cases. According to him, as per Section 6(2) of the Passport Act, respondents are not empowered to reject such application and that the said provision does not attract to the case of the applicant.

4. A counter came to be filed by respondent No.2, stating that the petitioner is involved in 11 cases and out of the 11 cases, 10 cases have been ended either in acquittal or were closed. The remaining

case i.e. Crime No. 37 of 2010 is pending trial vide C.C.No.214 of 2010.

5. The same is disputed by the learned counsel for the petitioner. According to him, the allegations made in the counter affidavit are false. It is further stated that the said proceedings are stayed on administrative side by the Hon'ble High Court, which fact is not seriously disputed by the counsel for the respondent.

6. Learned Standing Counsel for Central Government would submit that there is no provision for issuance of passport under Tatkal at present and hence any application made would be considered, in accordance with law, if it is in order, within a period of one week.

7. Having regard to the circumstances stated above and since 10 out of the 11 cases are closed and the other case is stayed, the verification certificate as sought for by the petitioner shall be furnished by respondent No.2. Further, the third respondent shall deal with the application, if any made by the petitioner for issuance of passport, in accordance with law.

8. With the above direction, the writ petition is disposed of. No costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

10.07.2017
vnb