

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1910/2017**

SACHIN GAUR

..... Petitioner

Through Mr Manish Kaushik, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Rajesh Gogna, CGSC for R1 to R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

02.08.2017

CM 27520/2017

1. This is an application seeking early hearing of the writ petition. The application is allowed.
2. The petition is taken on board.

W.P.(C) 1910/2017

3. The principal grievance of the petitioner is that his passport is being renewed with a validity of only one year instead of the usual practice of renewing the same for a period of 10 years. This is so for the reason that there is a criminal case pending against the petitioner. The petitioner claims that he has already obtained the permission from the concerned court (Magistrate), which has observed that the petitioner's passport may be renewed as per the rules. He submits that this observation must be construed to mean that the passport is to be renewed in terms of Rule 12 of the Passport Rules, 1980; and, this would necessarily require the passport to be

renewed for a further validity period of ten years.

4. Learned counsel appearing for the petitioner states that restricting the validity of the passport for one year is severally affecting the career prospect of the petitioner as he has not been able to apply or take up employment overseas.

5. The petitioner also relies on the decision of the Division Bench of the Bombay High Court in ***Narendra K. Ambwani vs Union of India, Regional Passport Officer, Mumbai, 2014 (4) Bom CR 281*** wherein a similar clarification regarding the policy had been issued by the Bombay High Court.

6. The learned counsel appearing for the respondent states that the petitioner's passport has been renewed only for a period of one year in view of notification of GSR 570 (E) dated 25.08.1993. He further states that there would be no difficulty in renewing the petitioner's passport for a period of ten years in the event the concerned court specifically directs the same. In the circumstances, without going into the question whether the GSR 570 (E) restricts the respondents from issuing a passport for a validity period of only one year even in cases where the concerned court has permitted the petitioner to obtain passport as per rules, the grievance of the petitioner can be addressed if the petitioner is permitted to approach the concerned court for a specific order clarifying that the petitioner has been granted the permission for securing the passport with a validity period of 10 years as per the Passport Rules, 1980. In the event, the concerned court so clarifies, the respondents could possibly have no objection in issuing the passport for such validity period, as the only reason for restricting the validity period of passport to one year is the pendency of the criminal case.

7. The petition is, accordingly, disposed of by permitting the petitioner to obtain the necessary clarification from the concerned court, which is in seisin of the criminal case against the petitioner and if such clarification is obtained in favour of the petitioner, the respondents shall do the needful in issuing the passport with an appropriate validity of ten years.

VIBHU BAKHRU, J

AUGUST 02, 2017

pkv