

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12347 OF 2019

**DR. SURAJ RAMESHWAR DHANKIKAR
VERSUS
THE UNION OF INDIA AND ANOTHER**

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Advocate for Petitioner : Mr. P. V. Mandlik,
Senior Advocate i/b. Mr. Mandlik Pratap P.

Advocate for Respondents No. 1 & 2 :

Mr. S. S. Deve

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 20th NOVEMBER, 2019

PER COURT:

1. Mr. Mandlik, learned Senior Advocate for the petitioner submits that the petitioner has to travel abroad on account of his professional assignments. The petitioner is a qualified doctor. It was because of the family dispute criminal cases were filed bearing R.C.C. No. 603 of 2017 and Sessions Case No. 104 of 2018 before the Chief Judicial Magistrate, Nanded. According to the learned counsel, the respondents are not renewing the passport beyond one year. The passport is

renewed from 19.03.2019 to 18.03.2020. According to the learned counsel, respondent no. 2 has refused to issue passport on the pretext that the petitioner may obtain orders from the Court.

2. Mr. Deve, learned counsel for the respondents submits that in view of the Notification dated 25.08.1993, it is only as per the orders of this Court the passport can be renewed. The criminal cases are pending against the petitioner. The petitioner has to seek directions for renewal of passport for ten years from the Court where the criminal case is pending. The Court where the criminal case is pending, initially directed to renew the passport for one year. On the second instance, no period is mentioned.

3. It appears that the petitioner had applied on 23.08.2019 for renew of the passport for ten years. The application was allowed under order dated 24.09.2019 by the Additional Sessions Judge, Nanded and the present petitioner is permitted to renew his passport.

4. At the time of the order, the Additional Sessions Judge, Nanded has observed that the petitioner is seeking renewal of passport for full term validity of ten years. It is for the passport authority to decide on which terms his passport shall be renewed. Accordingly the order was passed which reads thus-

“ ORDER
1 Application Exh. 27 is allowed.
2 Applicant is permitted to renew his
passport.”

5. The Additional Sessions Judge, Nanded had left it to the passport authority to permit the petitioner to get his passport renewed.

6. This Court had occasion to consider the similar aspect in various writ petitions. Reference can be had to Writ Petition No. 12784 of 2016 decided on November 30, 2016 at the Principal Seat wherein though the criminal case was pending, permission was granted to renew the passport for a period of ten years with a rider that the petitioner therein will have to apply before the Magistrate seeking permission to travel abroad and

the Magistrate may impose conditions as it deems fit.

7. In the light of above, we pass the following order.

8. In case there is no other impediment, then the respondent / authority shall renew the passport of the petitioner for ten (10) years. The petitioner shall seek permission from the Magistrate / Court where the criminal case is pending against the petitioner to travel abroad. The Court may impose such conditions upon the petitioner as it deems fit.

9. Writ Petition stands disposed of accordingly.
No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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