

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 7132 of 2019

ORDER:

This writ petition is filed challenging the action of the respondents in not considering the Application of the petitioner dated 11.03.2019 for re-issuance of Pass Port in his favour on the ground of pendency of C.C.No.68/2015 under Section 138 of Negotiable Instrument Act on the file of XI Special Magistrate, Hyderabad against the petitioner.

Respondents filed counter stating that the application of the petitioner was processed on pre police verification mode on 04.04.2019; that the Ministry of External Affairs vide Notification No.GSR 570 (E), dated 25.08.1993, exempts the citizens of India against whom proceedings are pending before a Criminal Court in India, and who produces orders from the Court concerned permitting them to depart from India, from the operation of provisions of Clause (f) of Sub section (2) of Section 6 of the Passport Act, 1967. It is also stated that petitioner may seek relief from the concerned Court as per the GSR 570 (E) Notification; and that the action taken by the respondent is in accordance with the provisions of the Passports Act, 1967.

Heard both sides.

In view of the averments in the counter affidavit and in view of the facts and circumstances, the writ petition is disposed of granting liberty to the petitioner to approach the concerned Criminal Court with application seeking necessary permission in accordance with Notification vide GSR 570(E), dated 25.08.1993, and on such application being made by the petitioner, the concerned criminal Court shall consider and dispose of the same within two weeks from the date of application. Thereafter the petitioner shall produce the said court order before the Passport Authority who in turn shall process the application of the petitioner in accordance with law within a period of three weeks from the date of production of order obtained from the criminal Court. No order as to costs.

As a sequel, miscellaneous applications, if any, pending shall stand closed. No order as to costs.

03.06.2019
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A.RAJASHEKER REDDY, J