

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16846 of 2019

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Ratan Singh Son of Ramjee Singh, Resident of Village- Tilrath, Panchayat-
Bathauli, P.S. Barouni, District- Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Chief Secretary Ministry of External Affairs,
Government of India, New Delhi.
2. The Chief Passport Officer, Ministry of External Affairs, Government of
India, New Delhi.
3. The Regional Passport Officer, Regional Passport Office, Ministry of
External Affairs, D- Block, Maurya Lok Complex, Patna, Bihar- 800001
4. The District Magistrate, District-Begusarai.
5. The Superintendent of Police, District- Begusarai.
6. The S.H.O., Police Station- Barauni, District- Begusarai.
7. The S.H.O, Police Station- Begusarai Town, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Advocate Mr. Ghanshyam Chaudhary, Advocate
For the UOI	:	Mr. Manoj Kumar Singh, Advocate
For the State	:	Dr. Mankeshwar Tiwari, A.C. to AAG-3

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 21-01-2020 Heard learned counsel for the parties.

2. The petitioner has put to challenge a communication dated 8.5.2019 issued by the Regional Passport Office, Patna, whereby he has been informed about impoundment of his passport in exercise of power under Section 10(3)(e) of the Passports Act 1967 (hereinafter referred to as the 'Act'). It is a short communication which is being reproduced hereinbelow:-



“Dear Applicant,

It has been decided to impound the passport bearing Passport No. S4260003, issued on date 13/09/2018 to Shri/Smt./Kiumari RATAN SINGH S/o, D/o, W/o, C/o RAMJEE SINGH

under Section 10 (3) (e) “Criminal case is pending before the Court” of the Passports Act, 1967.

THE APPLICANT INVOLVE IN BARAUNI P.S. CASE NO. 8/17

You are, therefore, requested to submit the Passport to this passport office with immediate effect, if not already done.

Yours Sincerely,”

2. It is manifest, on reading of the said communication that the power has been exercised under Section 10 (3) (e) of the Act on the basis of petitioner’s involvement in Barauni P.S. Case No. 8 of 2017. A copy of the First Information Report of Barauni P.S. Case No. 8 of 2017 has been brought on record by way of Annexure-2 to the present writ application and it has been stated that the petitioner has not been made an accused in the said case.

3. A counter affidavit has been filed on behalf of the Regional Passport Office stating therein that the petitioner had filed a representation on 13.09.2018 seeking restoration of his Passport on the ground that though, he was implicated in nine



criminal cases, he was acquitted in all such cases. There is no averment in the counter affidavit, however, which can justify the action of the Regional Passport Office in exercise of power under Section 10(3)(e) of the Act impounding petitioner's Passport on the basis of his implication in Barauni P.S. Case No. 8/2017, since the answering respondent has not denied specific plea that the petitioner is neither named in the First Information Report nor he has been otherwise made accused in the said Barauni P.S. Case No. 8/2017.

4. The impugned communication and the impugned action of the Regional Passport Office, Patna, is apparently on a basis which is *non est*. The impugned communication, therefore, needs interference. The same is, accordingly, set aside.

5. This application is allowed.

6. It will however be open for the competent authority to take any fresh action under the Act, in accordance with law.

(Chakradhari Sharan Singh, J)

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