

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2995 OF 2020

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Home Services and Sri A.Ravindra, learned counsel appearing for Central Government.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the inaction of the Respondent No.3 for not renewing the Petitioner's Passport bearing Passport No.H8638813 and insisting for court order to renewal the Petitioner's Passport as being arbitrary, illegal and in violation of Article 14 and 21 of the Constitution of India in contravention to the Passport Rules, 1980 and consequently direct the respondent No.3 to renew the Petitioner's Passport bearing Passport No.H8638813 and pass such other.....”

It has been contended by the petitioner that he is holding a Passport bearing No.H8638813. He further contends that as Crime No.141 of 2013 was pending against him, he has surrendered before the concerned Magistrate and the investigating authorities, after investigation, closed the said Crime on 26.04.2018 as no case was made out against him. The grievance of the petitioner is that his Passport is going to expire on 27.04.2020, and the respondents are not considering his case for renewal of his Passport on the ground that a Criminal Case is pending against him.

Learned counsel for petitioner contends that though the crime registered against the petitioner in Crime No.141 of 2013 was closed on 26.04.2018, the action of the respondents in not considering the case of the petitioner for renewal of his passport is

an arbitrary exercise. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for renewal of his Passport as no crime is pending against the petitioner in accordance with Rules.

Learned Government Pleader appearing for the respondents contends that petitioner has not submitted closure report of Crime No.141 of 2013 and if only the petitioner submits the closure report, the case of the petitioner would be considered and appropriate orders would be passed in accordance with Rules.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents along with the closure report dated 26.04.2018 within two weeks from the date of receipt of a copy of this order and upon receipt of such representation, the respondents shall consider the same and pass appropriate orders in accordance with Rules in another eight (08) weeks thereafter.

With the above direction, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 13-02-2020

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