

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18095 of 2018

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of respondent No.1 in issuing the impugned order vide File No.HYDD00045009, dated 24.04.2018 directing the petitioner to surrender Passport No.H2858388, dated 30.01.2009 with immediate effect arbitrary, illegal issued due to non-application of mind in violation of Sections 6 and 19 of the Indian Passports Act, 1967 and is also violative of the Articles 14 and 21 of the Constitution of India and consequently set aside the order dated 24.04.2018 passed by the respondent No 1 and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

It is the case of the petitioner that since the respondents are not issuing passport on the ground that a criminal case is pending against him, he approached the competent Court seeking to quash the proceedings and the same was disposed of by giving liberty to the petitioner to file an application under Section 239 Cr.P.C. for discharge and the same was dismissed. Thereafter, the petitioner filed CrI.R.C.No.741 of 2019 and this Court vide order dated 12.07.2019 granted stay of all further proceedings.

The grievance of the petitioner is that though the criminal proceedings are stayed, the respondents are not

considering his case for grant of temporary passport. The present writ petition is filed seeking temporary passport so as to enable him to travel to Manasa Sarovar.

Learned counsel appearing for the petitioner contended that the persons who are at the age of 70 are not permitted to travel to Manasa Sarovar. The petitioner is aged about 69 years and it is the last chance for him to make an attempt to visit Manasa Sarovar. It is prayed that appropriate orders be passed in the writ petition directing the respondents to issue temporary passport atleast for a period of six months.

Learned Standing Counsel appearing for the respondents contended that the case of the petitioner would be considered if he submits a fresh application in terms of the notification in GSR 570E, dated 25th August, 2015 and appropriate orders would be passed, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh application in terms of the notification GSR 570, dated 25th August, 2015, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such an application, the respondents shall

consider the same and pass appropriate orders, in accordance with law, within a period of eight weeks thereafter.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 31.01.2020

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