

11.01.2022.
Court No.13
Item No. 22
ap

**W.P.A. No. 19486 of 2021
(Through Video Conference)**

**Ananya Sundar Mondal @ Raju
Versus
Union of India & Ors.**

Mr. Sandipan Maity.

...For the petitioner.

Mr. Subhash Chandra Sarkar.

..For the respondents.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner is aggrieved by an order dated 23rd November, 2021 passed by the Regional Passport Office, Kolkata refusing to renew the petitioner's passport. It is indicated in the impugned order that the petitioner is required to obtain an order from the competent Court or submit an undertaking before the said Court, for the purpose of renewal of the passport.

Counsel for the petitioner relies upon a decision of the Hon'ble Supreme Court in the case of **Vangala Kasturi Rangacharyulu – Vs. – Central Bureau of Investigation** passed in **Criminal Appeal No. 1342 of 2017** by an order dated 27th September, 2021.

Based on the said order, it is submitted that since the petitioner had not been convicted, five years immediately prior to the date of the application, of an

offence involving moral turpitude, the petitioner's passport should have been renewed.

The decision of the Hon'ble Supreme Court, referred to hereinabove, was rendered under Section 6 (2)(e) of the Passport Act, 1967. However, Clause (f) of Sub-Section (2) of Section 6 stipulates as follows, also needs to be noticed.

“(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India,”

In that view of the matter, since the proceedings against the petitioner are still pending and the trial has not yet commenced, the writ petitioner would indeed be required to obtain necessary consent and/or permission from the Court before whom the said proceedings are pending and/or an appropriate Court including this Court which has granted bail to the petitioner.

For the reasons stated hereinabove, this Court is not inclined to accede to the petitioner's prayer in the discretionary jurisdiction under Article 226 of the Constitution of India.

The writ petition is disposed of without any order reserving liberty to the petitioner as indicated hereinabove.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)