OD-1

ORDER SHEET

WPO/2313/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ANUBHAV BHATTER
VERSUS
UNION OF INDIA AND ANR.

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : July 14, 2022.

Appearance:
Mr. Jishnu Chowdhury, Adv.
Mr. Sarvapriya Mukherjee, Adv.
Mr. Souradeep Banerjee, Adv.
Mr. Amit Agarwalla, Adv.
Ms. Debashri Mukherji, Adv.

Mr. Shailendra Kr. Mishra, Adv.

The Court: The petitioner prays for a direction on the respondents to issue a new passport in a pending application made by the petitioner on 26th November, 2022. The petitioner's case is that at the time of making the application, the petitioner's passport was valid till 19th March, 2028. The petitioner was constrained to apply for a fresh passport in 2022 since the old passport did not have any more pages. The petitioner subsequently came to know of an objection of the Passport Authorities by reason of a pending criminal case of the Burrabazar Police Station dated 3rd August, 2020. According to learned counsel, this case was settled on 14th

October, 2020 upon the petitioner making payment of the full sum due to the concerned entity.

The Passport Authority is represented and learned counsel hands over an instruction dated 6th July, 2022 which mentions the police case against the petitioner as well as a GSR 570(E) dated 25th August, 1993 permitting passports to be issued to candidates upon permission being obtained from a concerned Court.

The facts are admitted and are hence not required to be gone into.

The petitioner's application for the new passport is pending and the validity under the old passport was till 19th March, 2028. The submission of counsel appearing for the petitioner may be recorded that the police case pending against the petitioner was settled in October, 2020.

The only question which remains is whether the petitioner is entitled to be issued a new passport under an Office Memo dated 10th October, 2019 issued by the Ministry of External Affairs, Government of India. The said Office Memo refers to Notification No.GSR 570(E) dated 25th August, 1993 with regard to issue of passports to applicants who have criminal proceedings pending against them and as an exemption to Section 6(2)(f) of the Passports Act, 1967. The OM further states that GSR 570(E) was introduced to give relief to such applicants when they may need to travel abroad for urgent business. The OM further sets out certain instructions which may be adopted while processing the passport application in respect of such applicants.

After considering the intent and purport of the Office Memo of 10th October, 2019 and the purpose of Notification No.570(E) of 25th August, 1993, which was introduced only to give relief to applicants with criminal records, this Court deems it fit to direct the Passport Authority to process the petitioner's existing application under the guidelines set down by the Office Memo and issue a new passport to the petitioner in accordance with the said guidelines within a period of four weeks. The fact of the criminal case being settled by the petitioner in October, 2020 should also be taken note of by the authorities in proceeding the application.

WPO/2313/2022 is allowed and disposed of.

(MOUSHUMI BHATTACHARYA, J.)

bp.