

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.23151 OF 2022

Dr.Prabhat Narayan Tripathy

....

Petitioner

Mr.B.B.Swain, Adv.

-versus-

Union of India & anr.

....

Opposite Party(s)

Mrs.J.Sahoo, CGC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
12.10.2022**

Order No.

02.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“Therefore, the Petitioner most humbly prays that this Hon’ble Court may graciously be pleased to issue Rule NISI calling upon the Opp.Parties to show cause as to why ;

- (i) The Opp.Parties shall not be directed to reissue-renew passport in favour of the petitioner pursuant to passport application dtd.22.03.2022 vide Passport No.J4024282 under Annexure-2.
- (ii) Not reissuing/renewing passport in favour of the petitioner pending since last five months shall not be held as illegal, arbitrary and contrary to law;

And if the opposite parties fail to show cause or show insufficient case the rule shall be made absolute;

And pass any other order/orders, direction/directions as may be deemed just and proper.”

3. The Writ Petition appears involving challenge to the direction contained in Annexure-3 being issued by the Passport Authority. Issuing Annexure-3 in response to the Passport Application of the Petitioner bearing No.BH4074056432722, the Passport Authority on preliminary enquiry has come to observe pendency of a criminal case against the Petitioner becoming an impediment and thus needed clarification. It is as a consequence of such report in the said letter, the Regional Passport Office asked the Petitioner to attend the Office concerned on a working day at the fixed time therein to explain his position vis-à-vis the criminal case indicated therein. It is at this stage of the matter, this Court finds, the Petitioner has a clear scope to attend to the call of the Passport Officer and explain his position vis-à-vis the criminal case. No Writ Petition is entertainable in the absence of attending to the Office concerned to give proper clarification.

4. The Writ Petition is premature. If the issue is still under examination, it may be open to the Petitioner to attend the Office of the Regional Passport Officer, Bhubaneswar and give his clarification. If any decision of this Court goes to the rescue of the Petitioner, it may be open to the Petitioner also to take advantage of the same by producing a copy of the same before the Competent

Authority along with his attempt to clarify the doubt for his examination and working.

5. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

M.K.Rout

