

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.37149 OF 2022

ORDER:

This Writ Petition is filed to declare the action of 2nd respondent in not considering the time barred explanation submitted by the petitioner to the notice dated 17.11.2020 issued by 2nd respondent on the ground that the petitioner was involved in a criminal case and also canceling the passport of the petitioner, as illegal and consequently direct 2nd respondent to consider his explanation and issue passport.

2. Heard Sri Mohd. Subhan Pasha, learned counsel for the petitioner, Smt. B. Kavitha Yadav, learned standing counsel for Central Government appearing for 2nd respondent. Perused the record.

3. According to the petitioner, he had submitted an application seeking renewal of his passport bearing No.H3886730. The said passport was expired on 04.05.2019 itself. 2nd respondent did not act upon the said application submitted by the petitioner seeking renewal of the passport. Therefore, the present writ petition.

4. In view of the said submission, this Court directed Smt. B.Kavitha Yadav, learned counsel appearing for the respondents to get

specific instructions from 2nd respondent. In compliance of the said direction, she had produced written instructions, dated 27.09.2022 of 2nd respondent, wherein it is stated that the petitioner is an accused in Cr.No.21 of 2020 pending on the file of Sarangpur Police Station, Nirmal District for the offences under Section 420 read with 34 of IPC, 4 and 5 of the Prevention of Corruption Act and MCSBA Act. Therefore, 2nd respondent had issued show cause notice dated 17.11.2020 requesting the petitioner to submit his explanation along with required documents/information for considering his application seeking renewal of the passport. Despite receiving and acknowledging the same, the petitioner herein has not submitted his explanation.

5. As per the notification vide GSR No.570, dated 25.08.1993, the petitioner has to obtain permission from the Court below for renewal of his passport. If there is no mention in the order with regard to period, it will be renewed for a period of one year. As per Rule 12 of the Passport Rules, 1980, the passport has to be renewed for a period of ten years.

6. However, there is suppression pendency of the above said crime against him in the application submitted by him seeking renewal

of passport. Therefore, 2nd respondent had issued the said show cause notice dated 17.11.2020 requesting the petitioner to submit his explanation within 30 days but the petitioner herein failed to do so. Therefore, without submitting explanation and with suppression of material facts, the petitioner herein cannot seek renewal of his passport.

7. In view of the aforesaid discussion, this writ petition is disposed of granting liberty to the petitioner herein to submit explanation to the show cause notice dated 17.11.2020 within a period of ten days from the date of receipt of copy of this order and on submission of the said explanation, 2nd respondent shall consider the same and pass appropriate orders in accordance with law.

Miscellaneous Petitions, if any, pending, shall also stand closed.

Date:27.09.2022
vvr

K. LAKSHMAN, J