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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 19th December, 2022
+ **W.P.(C) 15664/2022 & CM APPL. 55106/2022**
KUNAL MINDA Petitioner

Through: Mr. Hrishkesh Baruah & Ms.
Apoorva Jain & Mr. Kumar Kshitij,
Advs.

versus

UNION OF INDIA AND ANR Respondents

Through: Ms. Nidhi Raman, Mr. Zubin Singh,
Ms. Charu Modi & Ms. Devika Bajaj,
Advs, for R1 & R2 (M: 9891088658)
Ms. Ekta Choudhary & Ms. Kirti
Singh, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL.55106/2022 (for early hearing)

2. In the present petition, the Petitioner- Kunal Minda prays that the passport be issued to him for a period of 10 years from the date of issuance in view of the order dated 4th November, 2022 passed by the Id. Metropolitan Magistrate-07, North West District, Rohini Courts, Delhi (*hereinafter 'ld. MM'*).

3. The background facts of the matter are that an incident took place on 10th June, 2005 due to which an FIR bearing no. 552/05 dated 5th July, 2005 was registered against various persons including the Petitioner herein. In the said FIR, which is the subject matter of the proceedings before the Id. MM., an application was moved by the Petitioner for issuance of an NOC for renewal of passport. The same was considered on 4th November, 2022 and the following order was passed by the Ld. Metropolitan Magistrate:

“ This is an application for issuance of NOC for renewal of passport filed by the applicant/accused Kunal Minda.

Heard.

Application perused.

The application is just filed for issuance of NOC for renewal of passport and not for seeking permission from this court for traveling abroad. I find no reasons to decline the request of the applicant/accused. As such NOC is hereby granted to the applicant for renewal of his passport. Further the applicant shall not leave the country without taking prior approval/permission from this court.

Needless to say that the Regional Concern shall not be swayed by the NOC granted by this court and shall consider the application of the applicant on merits. The application stands disposed off in terms of above directions. ”

4. The Petitioner then approached the passport authorities for renewal of the passport and was informed that the passport would be renewed only for 1 year instead of 10 years in terms of the Passport Rules, 1980. Hence, the prayer in the petition is for issuance of a renewed passport for 10 years.

5. Ld. counsel for the Petitioner relies upon the judgment of Bombay High Court in **Narender K. Ambwani v. Union of India (2014) 4 Bom CR 281** to argue that when the Magistrate directs issuance of passport renewal as per the Passport Rules, 1980 the same has to be for a period of 10 years. On the other hand, ld. Counsel for the Respondent relies upon the judgments of **Prashant Bhushan v. Union of India 2016 (154) DRJ 385 (DB)** and **Deepak Jain v. Union of India 2018 SCC OnLine Del 11767** to submit that the Petitioner needs to approach the concerned court for necessary clarification in this regard.

6. The matter has been heard. A perusal of the judgment in **Deepak Jain (supra)** shows that the Id. Single Judge of this Court has already taken a view in the matter after considering the judgments in **Narender K. Ambwani (supra)** as also the decision in **Prashant Bhushan (supra)**. After considering the said decisions as also the notification dated 25th August, 1993 passed by the Government of India, the Court came to the following conclusion:

“10. It is apparent from the language of the notification dated 25.08.1993- which is not under challenge in these proceedings- that if no period for issue of the passport or approval is specified, the passport would be issued for a period of one year. Admittedly, the Passport Rules, 1980 provide that the period of validity of a passport shall be ten years. The reference to Rules by the Trial Court should in normal circumstances also mean the same as held by the Bombay High Court in Narender K. Ambwani v. Union of India: Civil Writ Petition No. 361/2014, decided on 13.03.2014. However, the decision in Prashant Bhushan v. Union of India, 2016 (154) DRJ 385 (DB) is clear in this regard. Thus, it would be necessary for the applicant to seek orders for expressly indicating the period for which a passport can be issued. In view of the above, the present petition is disposed of by granting liberty to the petitioner to approach the concerned Court for necessary clarification. In the event, the Trial Court indicates that it has no objection for issuance of the passport for the full term as provided under the Passport Rules, 1980, the petitioner would be at liberty to make a fresh application for renewal of the passport and it would be processed, accordingly.”

7. In the present case, it is noticed that the Id. MM's order does not

specify the period for which the passport is to be renewed. It merely states that the NOC is granted for renewal of the passport. In line with the above decision, the Petitioner is permitted to approach the concerned MM for seeking clarification as to the period for which the passport can be renewed.

8. Upon the said order being passed by the Id. MM, the Petitioner is free to make a fresh application for renewal of the passport along with the copy of the Id. MM's order of clarification and any other relevant orders. The same shall be processed by the passport authorities in an expeditious manner.

9. The petition, along with, all pending applications is disposed of in the above terms.

10. The next date already fixed stands cancelled.

PRATHIBA M. SINGH
JUDGE

DECEMBER 19, 2022/DJ/SK