

04.10.2023

Sl no. 39

Ct no. 2

P.M.

WPA 14575 OF 2022

Nirmal Mondal

- Vs -

The State of West Bengal & Ors.

Mr. Shyamal Kumar Das,

Ms. Smita Pal,

Ms. Krishna Yadav

... for the petitioner

Mr. Sauvik Nandy

... for Union of India

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition being aggrieved by the alleged inaction on the part of the respondent passport authority concerned in issuing passport in favour of the petitioner on the basis of an application made by him on 8th December, 2021.

Learned advocate appearing for the respondent in opposing this writ petition submits that while making application for passport, petitioner has made false statement with regard to the pendency of any criminal case against him.

learned advocate appearing for the petitioner submits that in view of law settled by this Court, pendency of the criminal proceeding against a person is not a bar for issuing any passport subject to fulfillment of all other conditions which are required under the law.

Petitioner in support of his contention has relied on an unreported decision of this Court dated 28th September, 2022 in the case of Arabul Islam & Ors. – vs – Union of India & Ors. (WPO 2633 of 2022).

Considering the facts and circumstances of this case, this writ petition being WPA No. 14575 of 2022 is disposed of by directing the respondent authority concerned to consider and take a decision on the pending application of the petitioner for issuance of passport, in accordance with law and by taking into consideration the aforesaid order of this Court in the case of Arabul Islam (supra) and if it is found that the case of the petitioner is covered by the aforesaid decision of this Court the respondent Passport authority shall issue the passport without any delay. The entire exercise by the authority concerned shall be completed within six weeks from the date of communication of this order.

(Md. Nizamuddin, J.)