

Ghuge

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1072 OF 2023

Pravin Amidas Mehta	... Petitioner
V/s.	
The State of Maharashtra and Anr	... Respondents

Mr. Shashvat Jariwala i/b Auroma Law for the petitioner.

Mr. S.K. Halwasia a/w D.A. Dubey (AOR) for respondent No.2.

Mr. Arfan Sait, APP for the State.

Mr. Zore, API, Pairavi Officer, Juhu Police Station.

CORAM : AMIT BORKAR, J.

DATED : MARCH 30, 2023

P.C.:

1. The petitioner is seeking direction to respondent No.2 to issue passport and/or renew old passport within 30 days from the date of order. The record discloses that the Sessions Judge by order dated 8th September, 2022 rejected the application of the petitioner seeking permission/no objection for obtaining passport. The Sessions Judge observed that the passport authority will consider his application as per rule.

2. In my opinion, the order passed by Sessions Judge takes care of apprehension expressed by the applicant. In the facts of the case, earlier passport issued by the authority was cancelled on the ground of suppression. The applicant has applied for fresh

passport. Therefore, in the fitness of thing that instead directing authority to exercise discretion in a particular manner this court should pass an order directing the passport authority to pass an order in accordance with law deciding the application filed by the applicant for issuance of passport.

3. Considering the facts of the case, respondent No.2 is directed to decide application of the petitioner for issuance of passport within a period of four weeks from the date of hearing of applicant.

4. It is made clear that this Court has not adjudicated on the rights of the applicant and the passport authority shall consider the application on its own merits in accordance with law.

5. The applicant shall appear before the passport authority as and when called by the authority. The passport authority shall thereafter, hear the applicant and shall pass order in accordance with law within a period of four week from the date of hearing of the applicant.

6. The Writ Petition stands disposed of in the above terms. No costs.

7. All concerned to act on an ordinary copy of this order duly authenticated.

(AMIT BORKAR, J.)