



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 7711/2017

(MOHAMMAD KALIM SHEIKH CHAND **VERSUS** THE UNION OF INDIA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri M. Badar, counsel for the petitioner.
Shri S.A. Chaudhari, counsel for the respondent nos. 1 and 2.
Shri A.A. Madiwale, Assistant Government Pleader for the respondent nos.3 and 4.

CORAM : A. S. CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE : AUGUST 28, 2023.

The petitioner is aggrieved by the grant of Passport for a short duration which is urged as against the provisions of the Passport Act, 1966.

2. Inviting attention to the judgment of this Court in **Writ Petition No. 2396 of 2017** decided on 19.07.2017 [*Mohammad Kaleem Sheikh Chand Verus Union of India & Others*] it is submitted by the learned counsel for the petitioner that the stand raised by the respondents for refusing to grant such Passport was found to be without any substance. A direction was thus issued to consider the request of the petitioner for renewal of his Passport. Thereafter the Passport was again renewed for a period of one year. The last renewal Is from 03.04.2019 to 29.04.2020. The learned counsel for the petitioner submits that thereafter the petitioner made an application for grant of regular Passport.

3. The learned counsel for the respondent nos.1 and 2 has relied upon the affidavit-in-reply and has submitted that based on the inputs received from the respondent nos.3 and 4, the Passport for a short validity has been issued. Reference is made to the police verification report as received which was the basis for refusing to grant the Passport earlier.

4. The learned Assistant Government Pleader appearing for the respondent nos.3 and 4 has also referred to the affidavit-in-reply to indicate the activities of the petitioner.

5. We find that the earlier order in Writ Petition No. 2396 of 2017 and especially paragraph 8 thereof refers to the material that was initially considered for refusing the grant any Passport to the petitioner. Pursuant to the aforesaid judgment the Passport of the petitioner has been renewed but for a short duration. We find in these facts that since the petitioner has applied for grant of ordinary Passport, it would be necessary for the respondent no.2 to consider the said request in accordance with the procedure prescribed under the Act. While doing so, the observations in the judgment in Writ Petition No. 2396 of 2017 would be required to be considered.

6. In these facts, the following directions would serve the ends of justice:-

- (I) The respondent no.2 shall consider the application of the petitioner for grant of ordinary Passport in accordance with the provisions of the Passport Act, 1966.
- (II) The observations of this Court in Writ Petition No. 2396 of 2017 shall also be taken into consideration.
- (III) The necessary decision in this regard be taken expeditiously and preferably within a period of eight weeks from today.

7. The writ petition is disposed of with aforesaid directions.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)