

24.09.2024
Sl. No.11(DL)
srm

W.P.A. No. 18340 of 2024
Clement Hughes @ Satya Arya Mukherjee
Versus
The State of West Bengal & Ors.

Mr. Anirban Dutta,
Mr. Ayan Mondal
...for the Petitioner.

Mr. Asok Kumar Chakraborti, Id. ASG
Mr. Kumar Jyoti Tewari
...for the Respondent No.2.

Ms. Munmun Ganguly,
Mr. Sayan Ganguly
...for the State-respondents.

1. The writ petition has been filed with the allegation that the passport authority, specially, the Regional Passport Officer, Kolkata Office had failed to take steps to renew the passport of the petitioner.
2. It is submitted that on account of pendency of two criminal cases, the authority had maintained the silence and also ignored the 'no objection' granted by the jurisdictional court in GR No.1183 of 2018.
3. The petitioner submits that when he was a minor, around four years old, he was adopted by one Mr. Ashis Ranjan Mukherjee. His name was changed to Satya Arya Mukherjee. Passport No.N5278149 was issued on December

10, 2015 by the authority and the date of expiry of the same is December 9, 2025.

4. Due to family problems, the petitioner wanted to surrender the passport and submits to have already done so by a letter dated December 3, 2021. It appears that when the petitioner applied for the above passport, he was already a major.
5. Thereafter, the petitioner wanted to renew his passport which was earlier issued and had expired in 2009 in the present name of the petitioner as 'Clement Hughes'. The authority asked the petitioner to produce all documents relating to the Shakespeare Sarani Police Case Nos.202/2019 and 221/2018 for processing the application for passport.
6. The petitioner submits that documents have been supplied, but neither any hearing was given nor any information was received with regard to the fate of his application for a passport.
7. The learned Additional Solicitor General has handed over a report prepared by the Deputy Passport Officer, Regional Passport Office, Kolkata. As per the said report, a scrutiny revealed that the passport bearing No.N5278149 with validity from December 10, 2015 to December 9, 2025 was issued to the petitioner in the name of Satya Arya Mukherjee. Then, passport bearing No.F7103146 having

validity from April 25, 2006 to April 24, 2016 was also issued to the petitioner. The passport bearing No.N5278149 in the name of Satya Arya Mukherjee had been revoked on November 1, 2021 under the provision of Section 10(3)(b) of the Passports Act, 1967 after following due procedure. The process had been initiated on the complaint of one Namita Mukherjee. The complaint was grave. However, unbiased of the allegation levelled against the petitioner, the said office called for an investigation. Upon receipt of a report from the police, a show cause notice was issued to the petitioner on September 14, 2021. The revocation took effect prior to December 3, 2021, i.e., the date when the petitioner wanted to surrender his passport. The current application for passport of the petitioner has been kept on hold as a query has been before the Kolkata Municipal Corporation with regard to the authenticity of the birth certificates produced by the petitioner.

8. The petitioner has two birth certificates, one in the name of Satya Arya Mukherjee and the other as Clement Hughes. The authority will further take action upon receipt of the information from the Corporation as to which of the birth certificates is authentic.

9. The report filed by the police authorities is taken on record.
It is the specific submission of Ms. Ganguly, learned Advocate appearing on behalf of the State-respondents, that the investigation with regard to the criminal cases by the police authorities do not have any bearing on the enquiry or the query which has been raised by the passport authorities with regard to the background of the petitioner.
10. Under such circumstances, a writ of mandamus cannot be issued upon the passport authorities to accept the petitioner's claim as Clement Hughes and issue the passport in that name. The authority is probing into the matter, as suspicion has arisen as to the actual identity of the petitioner. Confusions have been created due to two separate birth certificates, with different names. The petitioner had himself obtained a passport in the name of Satya Arya Mukherjee, when he was a major.
11. The other confusion is that once the petitioner represented himself as Satya Arya Mukherjee, why he would go back his original birth name of Clement Hughes and ask for a passport in that name.
12. The third confusion is that the passport in the name of Clement Hughes, when he was minor, expired sometime in

2009 and in 2021 the petitioner prayed for renewal of such passport.

13. These issues directly relate to the identity of a person. The passport authorities are within their jurisdiction to enquire into the matter with regard to the background and identity of the petitioner.
14. Under such circumstances, the writ petition is disposed of with a direction upon the Regional Passport Officer, Kolkata Office to decide the matter within a period of three months, upon allowing an opportunity to the petitioner and the authority must ensure that the Kolkata Municipal Corporation furnishes the required information within a short while.
15. The authority will decide on the basis of records and on its own enquiry, independently.
16. There shall be no order as to costs.
17. All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)