

D/L.77.
May 15, 2024.
MNS.

WPA No. 26382 of 2023

Rahamattulla Mallik
Vs.
The Union of India and others

Mr. Malay Bhattacharyya,
Mr. Suhrojoyoti Ghosh

... for the petitioner.

Mr. Ashoke Kumar Chakraborty, Ld. ASG,
Mr. Tirthapati Acharyya

...for the Union of India.

Mr. Debjit Mukherjee,
Mrs. Rupsa Chakraborty

...for the State.

1. Although the present challenge has been preferred against an order of refusal to issue a passport to the petitioner, learned counsel for the petitioner, in his usual fairness, submits that there is a notification, the provisions of which have to be met by the petitioner by getting an order from the jurisdictional criminal court.
2. Since no such order has been obtained by the petitioner, the writ petition is devoid of any cause of action.

3. Accordingly, WPA No. 26382 of 2023 is dismissed by granting liberty to the petitioner to obtain permission by way of a proper application from the concerned jurisdictional court under the concerned notification issued by the central government in order to travel abroad.
4. Upon obtaining such order, if so passed, the petitioner will be at liberty to approach the passport authority, which will consider the same and take a call as to whether to issue the passport.
5. There will be no order as to costs.
6. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

