

Court No. 2
05.9.2024
(Item No. 36)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1455 of 2024

Subhojit Saha
VS
Union of India & Ors.

Ms. Suman Sehanabis (Mandal)
Mr. Salok Sah
Ms. Anwesha Chakroborty
..... for the petitioner
Mr. Tridip Saha
Mr. Sourab Kar
.... For Union of India
Mr. Subir Kumar Saha, Ld. AGP
Mr. Kumar Shantanu
.... For respondent Nos. 5 & 6

The complaint of the petitioner is that the renewal of passport applied for is being withheld by the respondent No. 4. The respondent No. 4 is a wing of the respondent No. 3. The plea for withholding the renewal of passport is stated in the communication dated **June 27, 2023** issued by respondent No. 3, **annexure P-3** at **page 33** to the writ petition.

Ms. Suman Sehanabis, learned advocate appears for the petitioner. Referring to the averments made in **paragraph 6** to the writ petition submits that, in terms of the requisition made by the respondent No. 3 dated **June 27, 2023** all the required documents have been submitted. Still the renewal has not been done. She then refers to **annexure P-4** at **page 34** to the writ petition and

submits that, all the original and photocopies of the documents were returned to the applicant and the applicant was again asked to produce original documents and photocopies before the relevant authority.

Mr. Tridip Saha, learned advocate appearing for respondent Nos. 3 and 4 submits that, the petitioner has not submitted the requisite documents in terms of the requisition made by the respondent No. 3 in its said communication dated **June 27, 2023**.

Mr. Kumar Shantanu, learned State counsel appearing for respondent Nos. 5 and 6 referring to **pages 33 and 34** submits that, the time to submit application has already been closed for renewal of his passport, as the petitioner did not deposit the requisite documents within the time specified.

Considering the submissions made on behalf of the parties, to sub serve justice, the petitioner shall serve a copy of this writ petition along with a copy of today's order upon the respondent No. 3.

The respondent No. 3 then shall issue a communication to the petitioner at least seven days prior to the date of hearing to be fixed by the respondent No. 3. The respondent No. 3 then after giving an opportunity of hearing to the petitioner shall

decide the issue by passing a reasoned order in accordance with law.

The entire exercise as directed herein shall be carried out and completed by the respondent No. 3 positively within a period of **six weeks** from the date of communication of this order.

It is made clear that, the petitioner shall be at liberty to produce whatever records and documents are necessarily to be produced before the respondent No. 3 both in original and photocopies.

It is made clear that, this Court has not gone into the merits of this writ petition and the petitioner shall be at liberty to advance his claim for renewal of passport in accordance with law before the respondent No. 3.

The petitioner shall also be at liberty to produce the relevant judgment and law before the respondent No. 3, if situation so arises.

The reasoned order then shall be communicated to the petitioner positively within a period of **one week** from the date of the said reasoned order to be passed.

If the reasoned order goes in favour of the petitioner, the renewal of the passport shall immediately be done and positively within a period of **two weeks** from the date of the said reasoned order to be passed.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is pertinent to note that, the renewal of passport of a citizen of the country is a statutory right of the citizen under the provisions of the relevant law, unless there is any violation of law by the citizen.

With the above observations and directions, this writ petition **W.P.A. 1455 of 2024** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)