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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2899 OF 2024

Exalt Alfred Dsouza

.. Petitioner

Versus

The Regional Passport Office and Anr.

.. Respondents

Mr.Uttam Rane a/w Mr.Mikhail Dey i/b Mr.Mikhail Dey, Advocate for the Petitioner.

Ms.Gaurangi Patil, A.G.P. for the State.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JUNE 27, 2024

P. C.

1. The above Writ Petition has been filed by the Petitioner to quash and set aside the letter dated 10th July 2020 addressed by the Regional Passport Office to the Petitioner.

2. By the said letter, the Petitioner was informed that an adverse Police Verification Report is received against the Petitioner and therefore, the Petitioner is to provide a suitable explanation within 30 days as to why

material information was suppressed in the passport application. For the sake of convenience, the letter dated 10th July 2020 is reproduced herein.

“Subject: Clarifications required regarding Issuance of Passport facilities to Shri EXALT ALFRED DSOUZA

Dear Sir,

This is in reference to receipt of an adverse Police Verification Report corresponding to your application for passport issue, with file number BO05C4010600220 dated 03/02/2020.

As per pvt.A CRIMINAL CASE IS PENDING TRIAL AGAINST THE APPLICATION BEFORE CRIMINAL COURT... CR NO CASE TYPE ..RES FILING NUMBER 685/2016, REG NO 50/16, CNR NO. GANG 04-000816-2016, U/S CIVIL PROCEDURE CODE, UNDER OF SPECIFIC RELIEF ACT 1963 IS PENDING AGAINST THE APPLICANT BEFORE THE 7-CIVIL JUDGE, JUNIOR DIVISION, MUPASA

You are therefore, called upon to provide a suitable explanation within 30 days. Please note that you are required to furnish a proper explanation regarding the circumstances under which you had suppressed the material information in your passport application. Please be informed that in case of non response within the specified period, or a non-satisfactory response, you will be denied the passport against this or any future application unless cleared in appeal by the Consular, Passport & Visa Division or Court.

Please send self attested photocopies, or originals of the documents as required. Send the documents by registered post to the address of the Regional Passport Office mentioned above. Please made sure to mention your file number and the reference number mentioned in the top block of this letter on each page/document and also on the envelope for further correspondence. If you live in the vicinity of Mumbai or have been specifically asked to appear in person, you could choose to submit the required documents to the Superintendent Enquiry at the Regional Passport Office between 10.00 AM to 12.30 PM only from Monday to Friday (Except Wednesday). Entry with Online Appointments Only).

Yours sincerely,

For Regional Passport Office, Mumbai”

3. The learned Advocate for the Petitioner submitted that the Passport Verification Report itself is faulty because there is no criminal case pending against the Petitioner and in fact, it is only a Civil Suit that is pending, as referred to in the aforesaid letter. Once this is the case, the passport authorities could not have refused to reissue the passport of the petitioner, was the submission.

4. We find that the above Writ Petition has been lodged on 21st October 2022. The matter was also listed on 4th January 2023. The Regional Passport Officer has not appeared in this matter from the very beginning. We, therefore, direct the Regional Passport Officer to appear in this matter through their Advocates and inform the Court as to why the application of the Petitioner for issuance of the passport has not yet been processed.

5. We now list this matter on 4th July 2024 under the caption ‘for directions’.

6. The parties are put to notice that we shall dispose of the Writ Petition at that stage itself.

7. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]