
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2899 OF 2024

Exalt Alfred D'souza

.. Petitioner

Versus

The Regional Passport Office & Anr

.. Respondents

Mr. Uttam Rane, with *Mr. Mikhail Dey i/b Mikhail Dey, Advocates*
for the Petitioner.

Mr. D. P. Singh, Advocates for Respondent No.1.

Ms. Gaurangi Patil, AGP, for the State-Respondent No.2.

CORAM: B. P. COLABAWALLA &

FIRDOSH P. POONIWALLA, JJ.

DATE: JULY 4, 2024

P. C.

The above Writ Petition is filed to set aside the letter dated 10th July, 2020 addressed by the Regional Passport office to the Petitioner. The impugned letter recorded that since there is a criminal case pending trial against the Petitioner, the Petitioner has to provide a suitable explanation within 30 days. In the event a suitable explanation is not furnished, the Petitioner would be denied the passport. For the sake of convenience, the said letter is reproduced as under:-

“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”

2 The learned counsel for the Petitioner submitted the Police Verification Report itself is faulty because there is no criminal case pending against the Petitioner and it is only a Civil case under the Specific Relief Act, 1963 pending before the Civil Judge, Mupasa. The Police Verification Report itself being faulty, the Passport Authorities ought not to have denied the passport to the Petitioner, was the submission.

3 In answer to the aforesaid argument, the learned counsel appearing on behalf of the Passport Authorities brought to our attention the application made by the Petitioner for issuance of a passport. He submitted that, in that application, to the query whether any criminal proceedings are pending against the Petitioner or any proceedings in respect of an offence alleged to have been committed by the Petitioner are pending in any criminal Court in India, the Petitioner has answered as follows:-

“Provide following details if there are any criminal proceedings/warrant pending against you and attach NOC from competent court.

Any proceedings in respect of an offence alleged to have been committed by applicant pending before a criminal court in India.

Name of court and Place	Civil Judge W G COURT AT MAPUSA
Case/FIR/Warrant Number	50/2016/G
Law and Section(s)	412”

4 He, therefore, submitted that it is on the basis of this information furnished by the Petitioner himself that the Police Verification Report states that there is a criminal case pending against the Petitioner. He, however, stated that it is quite clear that there is no criminal case pending against the Petitioner, and what is pending is only a civil dispute. Since, this matter is of the year 2022, he submitted that file to process the application of the Petitioner is therefore closed. He, therefore, stated that the Petitioner can file a fresh application for issuance of the passport which shall then be considered, and if found in order, the passport will be issued. He further stated that the pendency of this civil case will not be a ground on which the passport of the Petitioner will be rejected.

5 Considering the aforesaid submissions made before us, we dispose of the above Writ Petition by directing the Petitioner to file a fresh application for reissuance/issuance of his passport. If such an application is made, the Passport Authorities shall examine the same on its own merits and in accordance with law. If it is found in order, the passport authorities shall issue the passport to the Petitioner. We make it clear that the application for reissuance of passport shall not be rejected on the basis that a civil case is pending against the Petitioner. We expect that this entire exercise shall be

completed within a period of four weeks from the date of the fresh application filed by the Petitioner for re-issuance/issuance of a passport.

6 The Writ Petition is accordingly disposed of. No order as to costs.

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.]