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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6452/2024**

ARUN GOSWAMI

..... Petitioner

Through: Ms. Nupur A. Goswami, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Vinay Yadav, SPC with Mr. Yash Tyagi, GP.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

07.05.2024

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CM APPL. 26874/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. The Petitioner has approached this Court for issuance of a writ of *mandamus* directing the Respondents to renew the Passport of the Petitioner for a period of 10 years.
2. Material on record discloses that the Petitioner has been arraigned as an accused in a criminal case. The Petitioner has also approached the concerned court by moving an application to travel to America which has been rejected *vide* Order dated 30.09.2021. However, *vide* the same order, the court has also rejected the application for renewal of the Passport holding that the Passport renewal application has no relation to the jurisdiction of the court, meaning thereby, the application for the renewal of



Passport had been rejected. If the Petitioner is aggrieved by this order, it is always open for the Petitioner to challenge the same and take appropriate steps in accordance with law. Without No-Objection Certificate from the court of competent jurisdiction for renewal of passport, writ petition cannot be entertained in view of since GSR-570(E). The relevant portion of the GSR-570(E) reads as under:-

“(a) the passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year,

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of a(ii) and a(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;



(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.”

3. In view of the above, this Court is not inclined to entertain this writ petition, in view of the rejection order passed by the court of competent jurisdiction rejecting renewal of passport. The correctness or otherwise of the said order has to be challenged in a mode and manner under law. Liberty is granted to the Petitioner to challenge the Order dated 30.09.2021 by taking such steps, as may be available to the Petitioner in accordance with law. This Court is not inclined to issue the writ as prayed for. However, this Court is not making any observation on the merits of the case.

4. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 7, 2024

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