

M/L 26
07.04.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 1190 of 2025

RAKESH PATHAK
Vs.
THE PASSPORT AUTHORITY OF INDIA & ORS.

Mr. Sudipta Dasgupta
Mr. Suthirtha Nayek
Mr. Arhan Sengupta

...for the Petitioner.

Mr. Asok Kumar Chakraborti, Ld. ASGI
Ms. Rashmi Bothra
Mr. Amritansu Sengupta

...for the Union of India.

1. Supplementary affidavit filed in Court today is taken on record.
2. The prayer of the petitioner for renewal of passport is pending consideration.
3. It appears that the petitioner is implicated in a criminal case being G.R. Case No. 6041/2021 arising out of Dumdum Police Station Case No. 775/2021 dated 19th July, 2021 which is pending before the learned Judicial Magistrate, 3rd Court, Barrackpore, North 24 Parganas. Proceeding in connection with the said case has been stayed by the order of this Court in CRR 2360/2024.
4. The petitioner alleges that the respondent authority has kept the application pending and has not disposed of the same.
5. Learned ASGI submits that the petitioner is required to follow the provisions of law for issuance/renewal of the passport.

6. Reliance has been placed on the decisions passed by a coordinate Bench of this Court on 18th December, 2023 in **WPO 1778 of 2023** in the matter of ***Arabul Islam & Ors. Vs. Union of India & Ors.*** and in the matter of ***Mahesh Kumar Agarwal Vs. Union of India*** in **WPO 352 of 2024** dated 15th May, 2024 wherein the Court held that for extension of the period of passport the provision of the 1967 Act shall apply. The Court held that the restriction stipulated for issuance of passport also apply at the time of renewal of the same.
7. In view of the above, it is held that the petitioner would be obliged to comply all the necessary formalities prescribed under law for renewal of his passport.
8. It will be open for the petitioner to apply in terms of GSR no. 570(E) dated 25th August, 1993 published by the Ministry of External Affairs.
9. The petitioner shall be obliged to comply with all the formalities required under the law for issuance/renewal of passport.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)