

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/787/2025

ASHOK GUPTA
VS
THE UNION OF INDIA AND ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 12th November, 2025.

Appearance:

Mr. Shaptangshu Basu, Sr. Adv.
Mr. Nilay Sengupta, Adv.
Ms. Pushpa Mishra, Adv.
Mr. Niraj Tiwari, Adv.
...for the petitioner

Mr. Ashok Kumar Chakraborty, ASG/Sr. Adv.
Ms. Sarda Sha, Adv.
...for the UOI

1. The petitioner has filed the present writ application praying for a direction upon the respondents to furnish complete record of his travel history/immigration movement details for the period from January, 2015 to December, 2016.
2. The petitioner through his learned advocate has initially filed an application under Right to Information Act before the Central Public Information Officer (CPIO), Consular, Passport and Visa Division, Ministry of External Affairs dated 5th February, 2025 praying for the following Information :

“(1) Whether Mr. Ashok Gupta was present in India (which place in India) or outside of India on 14th September, 2016, if yes then please provide me details and/or documents ?”

3. On receipt of the said application, the Assistant Director and CPIO vide a letter dated 28th March, 2025 has rejected the request made by the petitioner for supply of the information on the ground that as per Chapter VI, Section 24(1) and Second Schedule of the RTI Act, 2005, Intelligence Bureau/BOI is exempted from providing any information/details on the subject and accordingly, the amount paid by the petitioner for grant of information was also returned.
4. Being aggrieved with the said order of rejection, the petitioner has preferred an appeal before the Appellate Authority but the Appellate Authority has also rejected the appeal by an order dated 19th May, 2025 on the same ground.
5. Being aggrieved with the said order, the petitioner has prepared the present writ application.
6. The counsel for the petitioner submitted that the petitioner having his original passport to prove that the petitioner has travelled from India to abroad but the petitioner intends that the document has to be certified by the competent authority so that nobody can deny the genuinity of the passport of the petitioner. Accordingly, the petitioner had applied for the information under the Right to Information Act.
7. Per contra, the learned ASG appearing for the Union of India has taken the preliminary objection that the writ application filed by the petitioner is not maintainable on the ground that there is a provision of second appeal but instead of filing the second appeal

against the order of the Appellate Authority, the petitioner has filed the present writ application. He further submits that the petitioner has applied for travel documents which is maintained by Ministry of Home Affairs department of Immigration but the said department is not made party in the writ application.

8. Secondly, the learned Counsel appearing for the Union of India submits that the petitioner has requested for supply of the information with regard to whether the petitioner was present in India or was outside of India. The said information is connected with the Immigration Department which is coming under the Intelligence Bureau and as per the Section 24 (1) of Schedule Second of the RTI Act, Intelligence Bureau is coming under the exemption clause. Thus, the authority has rightly rejected the application filed by the petitioner under the Right to Information Act.
9. Heard the learned Counsel for the respective parties. Perused the materials on record.
10. The petitioner has applied for information to ascertain whether the petitioner was present in India or whether the petitioner was outside India on 14th September, 2016. On the other hand, the petitioner submitted that the petitioner is having his original passport with him. If the petitioner is having the original passport with him and if the petitioner has travelled outside India, the passport may contain the seal of the Immigration Department of

the concerned Airport of India as well as the Immigration Department of the abroad where the petitioner has travelled. There is no provision under the Passport Act that the Passport Authority will not keep any travel document of the person to whom passport is issued.

11. Counsel for the petitioner apprehended that the passport, which the petitioner is having containing the seal that the petitioner has travelled outside the India but any person may deny or can take the plea that the said document is forged document, that is why the petitioner has applied the said document under the Right to Information Act.
12. This Court finds that the petitioner is having original passport. If the petitioner has travelled outside the India, there must be a seal of Immigration Department of the Indian Airport as well as the seal of the Immigration Department of the abroad where the petitioner has travelled. If the petitioner intends to use the said passport to prove he was not in India once particular date, the petitioner has to produce the original document and if any person is challenging the validity of the said document, the said person has to prove that the passport and the seal, if any, which is appearing in the passport, is not genuine.
13. If the petitioner finds that in future the petitioner is required to prove the passport to show that the petitioner has travelled

outside India on a particular date, the petitioner can take appropriate steps to prove the same.

14. As regard the maintainability of the petitioner, this Court finds that the petitioner has not made the Ministry of Home Affairs, Department of Immigration as party respondent and has not preferred second appeal as provided under Section 19(3) of Right to Information Act, 2005 thus the writ petition is not maintainable.
15. Considering the above, this Court finds that the Authority has rightly rejected the application filed by the petitioner as the information sought for by the petitioner is coming under the Schedule Second as the said document is concerning with the Intelligence Bureau Department.
16. The WPO/787/2025 is disposed of.

(KRISHNA RAO, J.)