

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4858 OF 2024**

Sharad Vishnu Khatu

...Petitioner

Versus

Union of India Ministry of External Affairs & Ors.

...Respondents

Mr. Vaibhav Kadam a/w Shrinath Badade, Krupesh Bhosle and Rayyan Shah i/by Sameer Parkar for the Petitioner.

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

Mr. Vishal Thadhani, Addl.GP for Respondent No.3.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 14 October 2025

Oral Order (Per M. S. Sonak, J.): -

1. Heard learned counsel for the parties. Rule. The Rule is made returnable immediately at the request and with the consent of learned counsel for the parties.
2. The Petitioner was a holder of passport number K7525857. The term of this passport expired on 28 October 2022. Therefore, the Petitioner, by his application dated 31 November 2022, applied for renewal/re-issuance of the passport. The passport authorities informed the Petitioner that online records show that a criminal case No.137984 of 1990 was pending against him at the Mata Ramabai Ambedkar Marg (MRA) Police Station, Mumbai.

3. The Petitioner, therefore, made inquiries at the police station and in the Court of learned Metropolitan Magistrate, Ballard Pier, Mumbai, to see whether any case is pending against the Petitioner. The Petitioner was informed that no such case is pending against him.

4. The Petitioner also filed under the RTI Act and was informed on 20 September 2024 that there is no case pending against the Petitioner.

5. The passport authorities issued the Petitioner a show cause notice, to which the Petitioner replied by pointing out that there was no criminal case pending against him. Still, the passport authorities have closed the Petitioner's application.

6. The Petitioner has therefore instituted this Petition seeking an appropriate writ to the Respondents to renew his passport or issue him a fresh passport.

7. Upon hearing the learned counsel for the Petitioner, on 10 October 2025, we adjourned the matter to enable the learned Addl.GP to obtain instructions regarding the pendency of any criminal cases against the Petitioner.

8. Mr D. P. Singh, for the passport authorities, contended that the Petitioner's application was closed only because the passport authorities had not received any written information from the police authorities that there were no criminal cases pending against the Petitioner, even though the online portal did indicate such pendency.

He submitted that if the police authorities write to the passport authorities confirming there is no pending case, the passport authorities will entertain and process the Petitioner's application afresh for the re-issuance of a passport.

9. Pursuant to our order of 10 October 2025, Mr Vishal Thadhani, learned Addl.GP, based on written instructions, has stated that there is no case pending against the Petitioner. Mr Thadhani places on record the written instructions he received, which the Senior Police Inspector of MRA Marg Police Station, Mumbai, signed.

10. Considering the above submissions and the written instructions which are placed before us, it is apparent that there are no police cases pending against the Petitioner up to now. Learned counsel for the Petitioner states that the Petitioner is now 76 years old and wishes to travel to Dubai to meet his son, who is a physiotherapist in Dubai. The Petitioner also wishes to meet his grandchildren, who are in Dubai.

11. Mr Vaibhav Kadam, learned counsel for the Petitioner, states that the Petitioner will now apply for re-issuance of passport within a week from today. Mr D. P. Singh, learned counsel for the first Respondent (passport authorities), states that within two weeks of the receipt of such an application (which is to be made online), the passport authorities will process the same and dispose of it in accordance with law.

12. We record the above statements and direct the first Respondent (passport authorities) to act accordingly. This time, the passport

authorities must not insist upon the Petitioner producing any letters from the police department. Further, suppose the passport authorities write to the concerned police station as per the prescribed procedure. In that case, the police station is directed to immediately respond to the letter and state whether any criminal cases are pending against the Petitioner. Neither of the authorities should delay such matters because the Hon'ble Supreme Court has held that the right to travel abroad is a fundamental right under Article 21 of the Constitution of India. This is no doubt subject to the Applicant following the law and the legal provisions. However, unnecessary bureaucratic impediments must not be created to frustrate this precious right.

13. In this case, the Petitioner was forced to lose precious time because the police online portal incorrectly indicates that a case is pending against them. Now, the police have confirmed that no such case is pending. Therefore, we direct that the police authorities take immediate steps to ensure this incorrect entry on the online portal is deleted and the Petitioner is not forced to face any further problems. This direction must be complied with within a week of uploading this order.

14. We dispose of the Petition with the above directions, hoping that the Petitioner, who is stated to be 76 years old, will have his passport reissued so that he can travel to meet his son and grandchildren at the earliest.

15. The Rule is made absolute in the above terms without any order for costs. All concerned must act on an authenticated copy of

this order.

16. This Court appreciates the fair approach of Mr Thadani and Mr Singh in this matter.

(Advait M. Sethna, J)

(M. S. Sonak, J.)