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

+ **W.P.(C) 3722/2025**

MOHD IQBAL

.....Petitioner

Through: Mr. Neeraj Jain, Mr. Anupam Mishra,
Mr. M.T. Reddy, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Anubha Bhardwaj, CGSC

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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03.04.2025

CM APPL.17348/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 3722/2025

3. The present petition has been filed by the petitioner being aggrieved by the decision as recorded in a communication dated 22.01.2025 issued by the Assistant Consular Officer (Passport), Consulate General of India, Dubai, whereby it has been intimated/ recorded as under:-

“Shri Mohammed Iqbal,

Please refer to the early communications in this regard where it has been conveyed that your passport application 23-2002367220 can be processed further subject to production of acquittal order/ No-Objection for passport issuance from the concerned Hon'ble Courts where your cases/trials are pending.

In case of urgency you may be issued Emergency Certificate on request, to facilitate your travel to India.

Regards,

Rohit George

Assistant Consular Officer (Passport)

Consulate General of India”



4. Learned counsel for the petitioner contends that the insistence on the part of the respondents for issuance of No Objection Certificate (NOC) by the concerned court/s where certain cases/trials *qua* the petitioner are pending, is *dehors* and repugnant to the requirements under the Passports Act, 1967 and the rules framed there under.

5. Learned counsel on behalf of the petitioner submits that in the circumstances, the impugned decision/ communication amounts to rejection of the request for renewal of the passport of the petitioner. He submits that being aggrieved by the same, the petitioner has preferred an appeal to the Chief Passport Officer under Section 11 of the Passports Act, 1967.

6. Learned counsel for the respondents also submits that an appeal under Section 11 of the Passports Act, 1967 is maintainable and the said appellate remedy has been availed by the petitioner. She further submits that the said appeal can be considered by the Chief Passport Officer only if the objections raised thereon by the respondents with regard to the said appeal are removed. For this purpose, the following steps are required to be taken by the petitioner:-

- i. The petitioner is required to file an application for condonation of delay.
- ii. The petitioner is required to pay the requisite/prescribed statutory fees.
- iii. The petitioner is required to file impugned order against which the appeal is sought to be filed.

7. Learned counsel for the petitioner submits that to overcome the objection/s he shall move an application for condonation of delay and also pay the requisite/prescribed statutory fees. He further submits that the



decision which is sought to be impugned is recorded in the aforesaid email/communication dated 22.01.2025. As such, the said email/communication is to be treated as the impugned order/ decision sought to be appealed against. Learned counsel for the petitioner submits that the petitioner shall file an additional affidavit to this effect before the appellate authority, in support of the appeal already filed.

8. Subject to the petitioner taking the aforesaid steps, let the appeal be duly considered by the appellate authority.

9. Let a hearing be afforded by the appellate authority to the petitioner, and an endeavour be made to dispose of the appeal as expeditiously as possible, and preferably within a period of eight weeks from today.

10. It is made clear that this order shall not be construed as an expression of opinion of this Court, on the merits or maintainability of the aforesaid appeal.

11. The petition is disposed of in the above terms.

SACHIN DATTA, J

APRIL 3, 2025/uk