

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1871 of 2025

=====

Awadhesh Kumar Singh S/o Late Ganga Prasad Singh, R/o - Flat No. C- 110,
National Park CHS, Plot No. 452, Takka Panvel, Navi Mumbai, District-
Raigarh, Maharashtra- 410206.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of External Affairs, New Delhi.
2. The Regional Passport Office, Mumbai, through the Senior Superintendent.
3. The State of Bihar through the Principal Secretary, Deaprtment of Home,
Government of Bihar, Patna.
4. The Senior Superintendent of Police, Gaya, Bihar.
5. Aditi Singh W/o Ravi Kumar Singh, D/o Amrendra Kumar Singh, R/o -
Hemanpur, P.S. - Mohuddin Nagar, District Samastipur, Bihar and Flat no. -
C 110, National Park, Plot no. - 452, Takka Panvel, Raigarh, Navi Mumbai,
Maharashtra 410206 at Presently Residing Veena Kunj Opposite Zila School
PS Civil Line District Gaya Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Sr. Advocate Mr. Aditya Rai Singh, Advocate Ms. Ginni Priya, Advocate Mr. Anuj Kumar, Advocate
For UOI	:	Mr. Alok Kumar, CGC
For Res. No. 5	:	Mr. Sanjeev Kr., Advocate
For the State	:	Mr. Sunil Kumar Mandal, Advocate
For the Respondent/s	:	Mr. Additional Solicitor General

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 02-02-2026 Heard learned counsel for the parties concerned.

2. Petitioner is a qualified Electrical Engineer having
an experience of about 21 years as a seafarer on merchant ships.

3. There was a dispute between the petitioner's son
and private respondent no. 5. In the FIR lodged by the daughter-
in-law of the petitioner bearing FIR No. 17 of 2024, a warrant of



arrest was issued by the competent court. The passport officer issued a notice dated 23.04.2024 seeking a clarification from the petitioner stating therein that in view of the warrant of arrest issued against him, why not impound the passport issued in favour of the petitioner bearing passport no. Z4951404 dated 29.06.2018 under Section 10(3)(h) of the Passport Act 1967? The petitioner did not appear pursuant to the aforesaid notice dated 23.04.2024, and accordingly, the passport officer passed an order on 16.05.2024 whereby the passport in question issued in favour of the petitioner was impounded.

4. Mr. Rajesh Kumar, learned senior counsel for the petitioner submits that the petitioner, along with his family members, filed a criminal writ application before this Court challenging the entire prosecution, including the FIR in Cr.W.J.C. No. 1011 of 2024, and a Co-ordinate Bench of this Court, vide its order dated 19.06.2024, stayed the further proceedings against the petitioner and all accused persons till further order.

5. Accordingly, the submission is that now the passport authority has no reason to keep the passport of the petitioner impounded.

6. Mr. Sanjeev Kumar, learned counsel for the



respondent no. 5, i.e., the wife, vehemently argued that when the notice was issued by the passport authority on 23.04.2024, the petitioner chose not to appear before him, and accordingly, the passport authority passed the order impounding the passport of the petitioner on 16.05.2024. Therefore, the only remedy that was available to the petitioner was to file an appeal under Section 11 of the Passport Act, 1967. Instead of filing an appeal before the Appellate Authority, the petitioner has filed a criminal writ for quashing of the FIR in which an order has been passed staying the further criminal proceeding. Therefore, this writ application may not be entertained, as the conduct of the petitioner was not bona fide.

7. Learned counsel further submits that this Court, while passing the order dated 19.06.2024 in Cr.WJC No. 1011 of 2024 and issuing notice to respondent no. 5, directed for the listing of this case after ten weeks, and in the meanwhile, further proceedings against all the accused were stayed in the criminal case. Subsequently, the order dated 02.08.2024 was passed by this Court in which the earlier order of stay was not extended, and the matter was referred to mediation, which ultimately failed. Since the order of stay was not extended in the subsequent order, as such, there was no stay of the proceeding in



the eyes of law.

8. In reply, learned counsel for the petitioner submits that the respondent no. 5, due to matrimonial discord with the son of the petitioner, is gunning the petitioner and entire family members out of vengeance, and the respondent no. 5 intervened in the matter in order to deprive the petitioner of his livelihood inasmuch as the petitioner for the last two years has not gone on his work due to impounding of the passport.

9. Mr. Alok Kumar, learned counsel for the Union of India, argued that in view of the stay of the further proceeding by this court in FIR No. 17 of 2024, the passport authority is ready to restore the passport facility to the petitioner in accordance with notification GSR 570 (E) dated 25.08.1993.

10. I have heard learned counsel for the parties and have gone through the materials on record.

11. It appears that after the passport of the petitioner was impounded, a criminal writ application was filed challenging the entire criminal prosecution, including the First Information Report. A Co-ordinate Bench of this court issued notice to the informant, i.e., respondent no. 5, stayed further proceedings against all the accused persons. The contention of respondent no. 5 is that the word "meanwhile" used in the order



would mean that the stay was only granted for ten weeks when the court directed the listing of the case after ten weeks. This Court does not accept the submission of the respondent no. 5 that the stay was only granted for ten weeks for the reason that the order for the listing of the case does not have a correlation with the order for the stay of the further proceeding. While staying the further proceeding, the court has not specifically said that proceeding shall be stayed for a particular period. The submission of the respondent no. 5 that it was for the period of ten weeks only is fit to be rejected.

12. Accordingly, the passport officer respondent no. 2 is directed to take a final decision in terms of his stand as taken in para no. 17 of the counter affidavit for restoration of the passport of the petitioner within a period of three weeks.

13. With the aforesaid observation and direction, the writ application stands disposed of.

(Anil Kumar Sinha, J)

Siwani/-

U			
---	--	--	--

