

M/L 33
02.02.2026
Court. No. 25
sourav

WPA 27936 of 2025

**Sri Manojit Mondal
Vs.
The Union of India & Ors.**

*Mr. Shamik Chatterjee
Mr. Aditya Bikram Mahata
Mr. Sahil Kabir*

...for the petitioner.

*Mr. Kumar Joyti Tiwari, Sr. Adv.
Ms. Anamika Pandey
Ms. Samriddhi Nayak*

...for the Union of India.

*Mr. Samrat Sen
Mr. Deepnath Roy Chowdhury*

...for the respondent nos. 2 and 6.

1. The petitioner has filed the present writ application praying for a direction upon the respondent authorities for renewal of the passport.
2. Learned counsel for the petitioner submits that the petitioner was having the passport which was valid till January 12, 2026 and, accordingly, the petitioner has submitted an online application for renewal of the passport on August 28, 2025. On receipt of the application, the authorities have found that the petitioner has made false statement that no case is pending against the petitioner before any criminal court in India. But when the authorities have called for a police verification report, it was found that a criminal case is pending against the petitioner before the appropriate court of law.
3. The authorities by a letter dated September 15, 2025 directed the petitioner for furnish a suitable explanation

within 21 days from the receipt of the information why the petitioner has made false statement that no criminal case is pending. Instead of the petitioner, the wife of the petitioner has made a representation to the authority on 10.11.2025 and requesting for renewal/reissuance of the passport to her husband.

4. Learned counsel for the petitioner submits that subsequent to the representation submitted by the wife of the petitioner, the writ petitioner has also made representation to the authorities through mail in the month of January, 2026 but the same has not been considered. Learned counsel for the petitioner further submits that a criminal case is pending against the petitioner before the learned Additional Chief Judicial Magistrate, Bangaon, North 24 Parganas and the learned Magistrate has fixed the case on February 10, 2027 and as such, the petitioner has to appear before the learned Court on February 10, 2027. He prays for a direction upon the authorities for renewal/reissuance of his passport so that the petitioner can come to India and to appear before the criminal court.
5. Per contra, learned counsel appearing for the respondent nos. 1, 3 and 5 submits that the petitioner has made a false statement in the application form stating that he has no criminal case. Subsequently, when the explanation has been called for, the petitioner has not submitted the explanation within the specified period instead of the wife of the petitioner has submitted the representation. He further submits that the

petitioner is having the criminal case but in spite of the same the petitioner without any leave from the learned criminal court has proceeded to Kuwait and he is working in Kuwait and not appearing before the learned Magistrate where the criminal case is pending and, accordingly, a warrant has been issued against the petitioner.

6. He further submits that in terms of the order passed by this Court dated December 29, 2025, the petitioner has made an application before the learned criminal court praying for no objection for renewal of the passport and the learned criminal court has rejected the application of the petitioner as the petitioner failed to appear before the criminal court.
7. Learned counsel appearing for the respondent nos. 2 and 6 submits that the petitioner is having the criminal case instead of appearing before the criminal court, the petitioner has left the India without the intimation to the Court and now while the passport is going to be expired, the petitioner has applied for renewal of the passport by misrepresenting that the petitioner is not having any criminal case. He submits that the petitioner is not entitled to renew the passport as he made a false statement before the authority.
8. Learned counsel for the petitioner has relied upon a judgment in the case of ***Mahesh Kumar Agarwal Vs. Union of India and Another*** reported in **2025 SCC Online SC 2887** and submits that the Hon'ble Supreme Court has held that nothing in the Passports

Act requires the criminal court to convert every permission into a onetime licence to undertake a particular journey. He further submits that in terms of the said order, there is no requirement of no objection from the criminal court, it is only with the passport authority who will consider the same and to renew the passport of the petitioner.

9. Heard the learned advocates for the respective parties.
10. Perused the materials on record.
11. Admittedly, the petitioner was the passport holder which was valid till January 12, 2026. Before expiry of the validity of the passport, the petitioner has applied for renewal of the passport but when the authorities have verified the application submitted by the petitioner, the authorities came to know that the petitioner has given a misinformation stating that no criminal case is pending wherein the fact remains that the petitioner is having the criminal case pending before the learned ACJM, Bangaon, North 24 Parganas and the authorities have confirmed the same from the police verification report. When the authorities have confirmed that the criminal case is pending against the petitioner, the authorities have directed the petitioner to give an explanation as to why he has made a false representation that no criminal case is pending.
12. This Court finds that initially the wife of the petitioner has made representation instead of the petitioner. Now the learned counsel for the petitioner has handed over a representation submits that the petitioner has also

submitted the representation through online to the authorities explaining why the petitioner has made the alleged false declaration as no criminal case is pending.

13. Considering the above, this Court finds that the passport authorities have asked for the explanation from the petitioner with regard to the false information and as per the submission made by the learned counsel for the petitioner, the petitioner has already made a representation to the authorities through online on January 28, 2026.
14. Accordingly, the petitioner is given liberty to apply for renewal/grant of new passport through online and if any application is filed by the petitioners, the respondent no. 5, i.e., the Regional Passport Officer, Ministry of External Affairs, Regional Passport Office, Kolkata is directed to consider the application submitted by the petitioner, and to pass appropriate order within a period of three weeks from the date of receipt of the application of the petitioner, if any.
15. **WPA 27936 of 2025** is disposed of.
16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)