25.11.2026
Court No.25
D/L No.7
S. Gayen

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

WPA 31769 of 2026

Sayandev Paul
Versus
The Union of India & Ors.

Mr. Biswaroop Bhattacharyya
Mr. Ratikanta Pal
Mr. Sattwick Dutta
...for the Petitioner

Mr. Vipul Kundalia, Sr. Adv.
Mr. Tapan Bhanja
Mr. Dhirodatto Chaudhuri
...for the Union of India

Mr. D.N. Ray, Ld. GP
Mr. Ajit Kr. Mishra, Ld. AGP
Mr. Guddu Singh
Mr. Saurav Halder
...for the State

1. The petitioner has filed the present writ application praying for a direction upon the respondent authorities, particularly the respondent Nos. 5 and 6 to consider, process and renew/re-issue the passport of the petitioner with the normal validity of ten years.

2. Learned counsel appearing for the petitioner submits that the petitioner is having passport which is valid up till October 2, 2027. The petitioner has applied for renewal of the passport for a further period of ten years. The Passport Authorities refused to renew the same on the ground that the petitioner is facing criminal trial before the learned Judicial Magistrate, 2nd Court, Burdwan. Accordingly, the petitioner filed an application before the learned Trial Court for "No Objection Certificate (NOC)" and by an order dated

November 3, 2026, the learned Trial Court has granted NOC to the petitioner for renewal of his passport with further condition that the petitioner shall not leave the country without taking prior approval/permission from the learned Trial Court. The order obtained by the petitioner was duly forwarded to the Police Authorities as well as the Passport Authorities. On receipt of the order of the learned Magistrate, the Police Authorities have submitted report to the Passport Authorities informing that the petitioner has obtained NOC from the learned Trial Court for renewal of the passport. On receipt of the order passed by the learned Trial Court as well as the report from the Police Authorities, now the Passport Authorities are intending to renew the passport of the petitioner for a period of one year taking into consideration of GSR 570(E) dated August 25, 1993 wherein it is provided that if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year.

3. By referring the said Clause of the GSR 570(E) dated August 25, 1993, the learned counsel appearing for Passport Authorities submits that admittedly a case against the petitioner is pending before the learned Trial Court, the learned Trial Court has not specified any period for renewal. Thus, the Passport Authorities have no other option but in compliance of the notification dated August 25, 1993, are willing to renew

the passport of the petitioner for a period of one year only.

4. The learned counsel for the petitioner has relied upon the judgment in the case of ***Mahesh Kumar Agarwal vs. Union of India & Anr.*** reported in ***2025 SCC OnLine SC 2887*** and submits that the Hon'ble Supreme Court has held that even if the criminal case is pending, the Passport Authorities can issue passport for a period of ten years and in the said case, the Hon'ble Supreme Court has passed a direction upon the Passport Authorities for issuance of the passport to the appellant for a normal period of ten years from the date of receipt of this order subject to the compliance of other formalities. He further relied upon the judgment passed by this Court in ***WPA 9256 of 2026*** in the matter of ***Amit Kumar Agarwal vs. Union of India, Ministry of External Affairs & Ors.*** and submits that this Court by relying upon the judgment of ***Mahesh Kumar Agarwal*** (supra) has directed the Passport Authorities to issue the passport to the petitioner by renewing the same for a period of ten years.

5. Mr. Kundalia, learned Senior Advocate appearing for the Passport Authorities by referring the judgment of ***Mahesh Kumar Agarwal*** (supra) submits that the said case is distinguishable from the facts of the present case. He submits that the Hon'ble Supreme Court and this Court allowed for grant of passport for ten years on the ground that the NIA Court has imposed stringent conditions for re-depositing of

passport after renewal and prior permission for travel from Court but in the present case the said conditions are absent.

6. Heard the learned counsel for the respective parties. Perused the materials on record and the judgments relied by the petitioner.

7. Admittedly, the petitioner is having the passport issued on October 3, 2017 and valid up to October 2, 2027. The petitioner is intending to renew the passport for a period of ten years and applied for renewal before the Passport Authorities. The Passport Authorities have not renewed the same on the ground that criminal case is pending against the petitioner. In the mean time, the petitioner has obtained NOC from the learned Trial Court on November 13, 2026 wherein the learned Judicial Magistrate, 2nd Court, Burdwan passed the following order:-

> *"As such NOC is hereby granted to the applicant for renewal of his passport. Further the applicant shall not leave the country without taking prior approval/permission from this Court."*

8. The learned Trial Court has granted NOC for renewal of passport with the condition not to leave the country without taking prior approval/permission from this Court but there is no condition with regard to the surrender of the passport by the petitioner before the learned Trial Court.

9. In the case of ***Mahesh Kumar Agarwal*** (supra), the Hon'ble Supreme Court held as follows:-

> *"**24.** Finally, even on the respondents' own reading of GSR 570(E), the consequence of an order which does not specify a longer period of validity is that the passport should be issued for a shorter duration, usually one year, and not that renewal must be refused altogether. The learned Single Judge and the Division Bench did not examine this aspect, because they proceeded on the premise that the appellant stood outside the exemption altogether. Once it is recognized that the appellant is within the exempted class, the correct question for the passport authority is the appropriate period of validity in the facts of the case, not whether any renewal is permissible at all. In the present matter, given that the Delhi High Court has expressly authorized renewal for ten years and the NIA Court has imposed stringent conditions including redeposit and prior permission for travel, we see no justification to curtail the normal period of validity.*
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> ***25.** In the light of the above discussion, we are unable to sustain the approach adopted by the learned Single Judge and the Division Bench. Both have treated Section 6(2)(f) as an absolute bar so long as any criminal proceeding is pending, without giving full effect to the statutory exemption mechanism under Section 22 and GSR 570(E), and without adequately appreciating that the criminal courts actually dealing with the appellant's cases have consciously permitted renewal while retaining stringent control over any foreign travel. They have, in effect,*

converted a qualified restriction, designed to secure the presence of an accused, into a near permanent disability to hold a valid passport, even where the criminal courts themselves do not consider such a disability necessary."

10. In the case of ***Amit Kumar Agarwal*** (supra), this Court held as follows:-

*"**37.** Considering the facts and circumstances of the present case, this Court finds that the even if the passport is renewed, the petitioner will not be in a position to leave India without prior permission of the Criminal Court and the passport will remain in the custody of the Criminal Court. If the petitioner intending to go abroad, the petitioner has to obtain permission from Court, thus, it would be appropriate that instead of renewal of passport of the petitioner only for one year, the passport authorities shall be renew the passport of the petitioner for a normal period of ten (10) years from the date of its issue, subject to compliance of all formalities, within a period of three weeks from the date of receipt of this judgment. After renewal of passport, the petitioner shall strictly comply with the orders passed by the Criminal Court dated 9th October, 2025 and 13th October, 2025 by surrendering the passport within five (5) days from the date of its renewal by the passport authority.*

11. The Hon'ble Supreme Court in the case of ***Mahesh Kumar Agarwal*** (supra) has elaborately considered the notification being GSR 570(E) dated August 25, 1993 as well as relevant Sections, i.e., Sections 7, 8, 9,

10 and Section 22 of the Passport Act. The Hon'ble Supreme Court has also considered Rule 12 of the Passport which prescribes the period for which an ordinary passport remains in force stipulates, to extent relevant, that the ordinary passport shall, unless otherwise ordered and subject to the provisions of the Passport Act, be in force for a period of ten years from the date of its issue and shall not be issued beyond ten years.

12. Now the issue in the present case whether the petitioner is entitled to get the passport renewed for a period of ten years or for a period of one year. The GSR 570(E) dated August 25, 1993 provides that if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year.

13. In the case of ***Mahesh Kumar Agarwal*** (supra) passed by the Hon'ble Supreme Court and ***Amit Kumar Agarwal*** (supra) passed by this Court, in the said cases, the facts that the passport was with the NIA Court and NIA Court has granted NOC for renewal of the passport with the direction to re-submit the same before the learned Trial Court. In the present case, the learned Court has granted NOC with the condition that the petitioner shall not leave the country without taking prior approval/permission from the learned Trial Court. The only condition which the learned Trial Court has not put in the same that he has to surrender the passport.

14. The order of the learned Magistrate is crystal clear that the petitioner cannot leave the country without taking prior permission from the learned Trial Court. Thus, this Court finds that the judgment passed by the Hon'ble Supreme Court in the case of ***Mahesh Kumar Agarwal*** (supra) and the judgment passed by this Court in ***Amit Kumar Agarwal*** (supra) are squarely covered. As such, the petitioner is entitled to have the passport renewed for a period of ten years but the petitioner shall not leave the country (India) without prior approval/permission from the learned Trial Court.
15. In view of the above, the Passport Authorities are directed to renew the passport of the petitioner for a period of ten years upon compliance with all formalities, if any, within a period of three weeks from the date of receipt of this order.
16. Accordingly, WPA 31769 of 2026 is disposed of.
17. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)