Serial No. 3
Regular Cause list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 110/2026 CM(223/2026)

GHULAM MOHAMMAD BHAT **…Appellant(s)/Petitioner(s)**

Through: Mr. Z.A Qureshi, Sr. Advocate with
Mr. Athar, Advocate

Vs.

UNION OF INDIA TH.SECRETARY TO GOVT(MINISTRY OF EXTERNAL AFFAIRS) AND OTHERS **...Respondent(s)**

Through: Mr. Mohd Younis, AC vice
Mr. Mohsin Qadri, Sr. AAG for R- 3 & 4
Mr. Faizan Ahmad, CGSC vice
Mr. T.M Shamsi, DSGI for R- 1 & 2

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

04.11.2026

1. By this petition, petitioner herein has challenged impugned order dated 31.12.2025 passed by respondent No. 2, whereby the request of issuance of passport in favour of the petitioner has been refused under Section 5(2) (c), read with Section 6(2) (b), (c) & (d) of the Passport Act 1967 and in terms of Schedule I of the Passport Rules 2000, and Section 2(c) of the Passport Act, 1967, with a direction upon respondent No. 2 to issue passport in his favour forthwith.
2. It is alleged by the petitioner that the refusal of the passport has been made without supplying the material relied upon and in violation of the principle of natural justice.

Factual Matrix:

3. Petitioner was issued passport by respondent No. 2 bearing No. K6500638, which remained valid till 09.09.2022. He is stated to have retired from Government service in the year 2007, after rendering more than 30 years of service. It is alleged that in the year 2022 and 2023,

petitioner requested the passport authorities for issuance of passport in his favour, which was registered by respondent No. 2 under application No. SG1076237800822.

4. In the year 1995, FIR No. 316/1996 came to be registered against the petitioner at Police Station Sopore, under Section 7/25 of the Arms Act, a challan was produced before the competent Court, pursuant to which the petitioner has been acquitted of all the charges by the competent court vide order dated 15.03.2006.

5. It is stated by learned senior counsel for the petitioner that since after the said acquittal order, nothing adverse has been reported or alleged against the petitioner by any agency, as such, the impugned order is not in consonance with law.

6. Learned counsel for the respondents have objected to the maintainability of the instant petition on account of the fact that in the impugned order dated 31.12.2025, petitioner herein was granted a liberty to file an appeal before the appellate authority, i.e., Joint Secretary (PSP) & Chief Passport Officer, Ministry of External Affairs (PSP Division), New Delhi within a period of 30 days.

7. Section 11 of the Passport Act reads as below:

(1) Any person aggrieved by an order of the passport authority under clause (b) or clause (c) of sub-section (2) of section 5 or clause (b) of the proviso to section 7 or sub-section (1), or sub-section (3) of section 10 or by an order under sub-section (6) of section 10 of the authority to whom the passport authority is subordinate, may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed:

Provided that no appeal shall lie against any order made by the Central Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963, (36 of 1963) with respect to the computation of the periods of limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the statement of the reasons for the order appealed against where such copy has been furnished to the appellant and 6 [by such fee as may be prescribed for meeting the expenses that may be incurred in calling for relevant records and for connected services].

(5) In disposing of an appeal, the appellate authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of representing his case.

(6) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

8. Learned senior counsel for the petitioner has submitted that since the period for filing the appeal under Section 11 has expired, as such, he may be allowed to file an appeal before the competent authority.

9. Be that as it may, instant petition is disposed of with a direction to the petitioner to file an appeal before the competent authority, strictly in consonance with order dated 31.12.2025. However, the delay occasioned in filing the appeal before the competent authority under Section 11 of the Passport Act is condoned.

10. Disposed of in the manner as indicated above, along with connected CM(s).

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:
04.11.2026
"*Adil Ismail*"