



\$~21

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

+ **W.P.(C) 15662/2025**

HIMANSHU MITTAL

.....Petitioner

Through: Mr Shubham Aggarwal & Ms Neha
Singhal, Adv.

versus

**REGIONAL PASSPORT OFFICE DELHI
& ANR.**

.....Respondents

Through: Mr. Syed Abdul Haseeb, CGSC and
Mr. Amir, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

07.01.2026

The appearance of Mr. Syed Abdul Haseeb, learned CGSC be deemed to have been marked for respondent-Union of India in order dated 21.11.2025.

W.P.(C) 15662/2025

1. The instant petition is against order dated 16.04.2025 passed by the Regional Passport Officer, New Delhi.
2. The petitioner applied for issuance of passport, whereas, the concerned authority while considering pendency of the criminal proceedings with respect to FIR No. 239/2024 has found that there is no specific permission granted by the concerned Court for travelling abroad. Hence, the passport cannot be issued. For the sake of clarity paragraph no. 3 to 7 of the



order passed by the Regional Passport Officer is extracted as under:

“3. It is further submitted that Government of India vide gazette notification no. GSR 570 dated 25.08.1993 have granted relief/exemptions to the applicants against whom criminal proceedings are pending before any court of law in India and who **produce orders from the court concerned permitting them for departing from India.**

4. It is further submitted that vide OM dated 6th December, 2024 issued by PSP division, M/o External affairs, has clarified inter-alia **that there is no such provision for seeking permission/NOC from the court concerned for issuance of passport; instead it is permission to depart from India.**

5. It is further submitted that Hon’ble High Court of Punjab and Haryana while disposing the **civil writ petition no. 1036/2025 title “Baldev Vs UOI & Anr”** has held the applicability of above said GSR and inter-alia directed the petitioner therein approach the concerned Court where the trial is pending in order to seek permission to depart from India and further submit the same to the Passport Authorities. Similarly, in CM No. 9915/2025 title “Rohtas Vs UOI & anr” & CWP3521/2025 title “Surinder Singh Vs UOI & Anr” the Hon’ble High Court of Punjab & Haryana directed the petitioner to approach the concerned court for seeking permission for going abroad in terms of notification dated 25.08.1993 issued by Ministry of External Affairs.

6. It is further submitted that Hon’ble High Court of Calcutta while disposing WPO No. 353/2025 title “Aditya Sarda Vs RPO & Anr” has inter-alia mentioned that “Sub-clauses (d) and (e) of article 19(1) are subject to article 19(5) which provides that nothing in the said Sub-clauses shall affect the operation of any existing law insofar as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of the right conferred by the said sub-clauses either in the interest of general public or for protection of the interest of any Scheduled Tribe further, the Hon’ble Court has upheld the applicability of the aforesaid Notification dated 25.08.1993”.

7. In view of above, you are therefore, requested to kindly furnish order issued by the court concerned permitting you hereby for travelling abroad, so that, further necessary action in issuing passport, shall be taken in accordance with law.”

3. Learned counsel for the petitioner places reliance on a decision of the Supreme Court in the case of **Mahesh Kumar Agarwal vs. Union of India & Anr.**² and submits that there is no specific requirement for obtaining the permission of the Court for departure from India and on that anvil, the



Passport Authority cannot refuse for renewal or grant of passport to the applicant. Paragraph no.16 of the aforesaid decision is extracted as under:

“16. The respondents and the Calcutta High Court have also treated the expression “permission to depart from India” in GSR 570(E) as if it necessarily refers only to a concrete permission for an immediately proposed journey. We do not read the notification in so narrow a manner. Where, as here, the conditions of bail already stipulate that the appellant shall not leave the country without prior permission of the court concerned, and the same court then grants no objection to renewal of the passport without relaxing that condition, the requirement that departure from India shall be subject to judicial permission is built into the very terms of the exemption. The passport authority is not required, at the renewal stage, to demand a schedule of future journeys or visas which may not yet exist. Its task is to see whether, despite pending proceedings, the criminal courts have chosen to keep the possibility of travel open under their supervision. Once that position is clear, GSR 570(E) applies and the bar under Section 6(2)(f) cannot be invoked to refuse renewal altogether.”

4. Under these circumstances, the Court finds that the decision passed by the concerned authority deserves to be reconsidered.

5. Accordingly, the petition stands disposed of with the following directions:

- (i) Let the case of the petitioner be considered afresh while granting opportunity of personal hearing.
- (ii) Let the petitioner to approach the concerned authority on 23.01.2026 at 11:00 A.M. On petitioner’s appearance, let he be extended opportunity of hearing and reasoned order be passed by the concerned authority not beyond 30 days from the said date.

PURUSHAINDRA KUMAR KAURAV, J



JANUARY 7, 2026
aks/amg