

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16644 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

-----  
GAURANG MANUBHAI DOSHI

Versus

REGIONAL PASSPORT OFFICER  
-----

Appearance:

1. Special Civil Application No. 16644 of 2004  
MR MUKUL SINHA for Petitioner No. 1  
MR MA SHAIKH, Addl.Standing Counsel  
for Respondent No. 1  
..... for Respondent No. 2
- 

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 30/12/2004

ORAL JUDGEMENT

#. In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for appropriate writ, order and direction directing respondent no.1 - Passport Authority to forthwith renew the passport of the petitioner bearing No.M - 690262.

#. It appears from the record and communication that there is some criminal case pending before the learned Metropolitan Magistrate Court at Ahmedabad bearing criminal complaint no.1151 of 1998 and therefore passport of the petitioner is not renewed.

#. Considering the judgment and order of this Court in the case of Dhiren Baxi V/s Regional Passport Officer, Ahmedabad reported in 2003(1) GLR page 370, the following directions are issued to meet with the ends of justice ;

The petitioner to move appropriate application before the learned Metropolitan Magistrate before whom the complaint is pending for granting permission to him to go abroad for a specific purpose for limited period which he may indicate in his application and the learned Metropolitan Magistrate is directed to decide such application on its own merits considering the judgment of this Court in the case of Dhiren Baxi (supra). In view of the judgment of this court in the aforesaid case, the order of the learned Magistrate will be necessary in view of the notification of the Central Government which is indicated in the aforesaid judgment and on the basis of such order, Passport authority is required to decide the application of the petitioner for renewal of the passport keeping in mind the observation made in the judgment of this Court in the aforesaid case as well as the notification issued by the Central Government in this behalf. If any application is made before the concerned Magistrate, the concerned Magistrate may decide the same on its own merits and in accordance with law as early as possible preferably within a period of two months from the date of receipt of such application from the petitioner. The Magistrate may pass appropriate order whether such permission is required to be given and if yes, for how much period such permission is to be granted. It will be open for the petitioner to place reliance on the judgment and order passed by this Court in the aforesaid case as well as the present order at the time of submitting his application before the learned Magistrate.

#. The petition is accordingly allowed. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

(M.R.Shah,J)

(pathan)