

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18079 OF 2008

ORDER:

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Heard Sri A.Prabhakar Rao, learned counsel for the petitioner and Sri B.Narayana Reddy, learned Standing Counsel for Central Government.

The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of the respondent in not issuing passport in favour of the petitioner without assigning any justifiable reasons as illegal and arbitrary and consequently direct the respondent to consider and issue passport in favour of the petitioner at the earliest.

The averments in the affidavit filed in support of the petition would show that a passport bearing No.V 159693 was issued in favour of the petitioner on 19.11.1983 which was valid for a period of ten years. After the expiry of the period, the respondent issued a fresh passport bearing No.A.2146367 in favour of the petitioner. The second passport was having validity from 25.09.1996 to 24.09.2006. Since the second passport also got expired, the petitioner made an application for issuance of fresh passport and the same was acknowledged on 16.01.2008. The same came to be rejected on the ground that the petitioner is involved in two criminal cases, which are still pending trial before the trial Court. Challenging the action of the respondent in not issuing passport on the ground that the criminal cases are pending against the petitioner, the present Writ Petition is filed.

Learned counsel for the petitioner mainly submits that mere pendency of criminal cases cannot be a ground to renew/issue a passport. He submits that he may be permitted to make a fresh application for issuance of new passport, if there are any changed circumstances. Learned Standing Counsel opposed the Writ Petition stating that the question of issuing passport does not arise when criminal cases are pending against the petitioner. He placed on record the Rules regulating issuance of passport.

Rule 6 (2) (f) of Passport Act, 1967 states that the passport authorities shall refuse to issue passport or travel document for visiting nay foreign country under clause (C) of Sub-Section (2) of Section 5 when the proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal Court in India.

Admittedly, the petitioner is involved in two criminal cases and both were pending before trial Court, at the time when he made the application for issuance of fresh passport. Therefore, the action of respondent in rejecting the request made by the petitioner cannot be found fault with. Hence, I see no reason to entertain the Writ Petition. However, if the criminal cases pending against the petitioner ended in an acquittal and if there are no criminal cases pending, the petitioner shall make fresh application along with certified copies of the judgments, in which event, the respondent shall deal with the same, in accordance with law.

With the above direction, the Writ Petition is disposed of. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

30.11.2015

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