

Court No. - 9

Case :- WRIT - C No. - 4708 of 2023

Petitioner :- Shalabh Khandelwal

Respondent :- Union Of India Thru. Secy. Ministry Of External Affairs (Cpv Division) New Delhi And Another

Counsel for Petitioner :- Dharendra Kumar Mishra

Counsel for Respondent :- A.S.G.I.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Mrs. Saroj Yadav,J.

Heard Sri Dharendra Kumar Mishra, learned counsel for the petitioner and Mr. S.B. Pandey, learned Assistant Solicitor General of India assisted by Sri Varun Pandey, learned counsel for the respondent No.1.

Learned counsel for the petitioner prays for the following reliefs:-

"(i) to issue writ order or direction in the nature of mandamus commanding the opposite parties specially the opposite party No.2 to renew/reissue the Passport by granting the pending File No.LK3075301655621 dated 19/03/2021 in favour of the petitioner within specified time as this Hon'ble Court may deem fit in the interest of justice."

Learned counsel for the petitioner has submitted that the application for renewal of passport has not been dealt with by the competent authority since January, 2021. He further submitted that criminal proceedings under Section 3/7 of E.C. Act, is pending before the court of Additional Chief Judicial Magistrate, Sonbhadra.

He further submitted that this Court in identical circumstances has already passed orders and one such order passed in ***Writ C No.3802 of 2022 Aqeel Ahmad Vs. Union of India Thru. Secy. Ministry of External Affairs, New Delhi and Ors.***

As per order passed by this Court, it is the competent court dealing with criminal proceedings which may entertain prayer for renewal or reissue of the passport as per the guidelines issued by the Government of India, Ministry of External Affairs.

On a careful reading of the notification, placed on record, it is

gathered that it is the competent court where the criminal case is pending that the petitioner may make an appropriate application for issuance/renewal of the passport.

In case any such application is filed within a period of one week, it is expected that the competent court shall pass necessary orders expeditiously, preferably within a period of one month from the date of its filing, after putting the parties to notice.

With the above observation, the writ petition is **disposed of**.

(Mrs. Saroj Yadav, J.) (A.R. Masoodi, J.)

Order Date :- 31.5.2023

A.K. Singh