

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP (C) No. 447/2023

Syed Maahin Saleem Geelani

... Petitioner(s)

Through: -

Mr Molvi Aijaz Ahmad, Advocate.

V/s

Union of India & Ors.

... Respondent(s)

Through: -

Mr Tahir Majid Shamsi, DSGI for R-1 & 2; and
Mr Syed Musaib, Dy. AG for R-3.

CORAM:

Hon'ble Mr Justice Rajnesh Oswal, Judge.

(ORDER)

31.01.2024

01. With the consent of the learned counsel appearing for the parties, this Writ Petition is taken up for final disposal.

02. Heard learned counsel for the parties.

03. The petitioner, claiming to be a minor, has filed the present petition through his mother for directing the respondents, more particularly the respondent No.2, to issue/ re-issue the passport in his favour, in respect of which he has submitted an application under Key No. 1064975144220 with ARN No. 20-0006788268. It is stated that the petitioner has qualified 9th Class and requires fresh passport for education purposes and that no case has been registered against the petitioner. The petitioner claims to have applied under the Right to Information Act (RTI) Act with the respondents so as to know the status of his application through Registered post, but he was not provided any information.

04. Precisely, the claim of the petitioner is that he is not having any criminal antecedents which may debar the issuance/ re-issuance of passport in his favour.

05. Reply stands filed on behalf of the respondents.

06. The respondent Nos. 1 and 2 have admitted that the petitioner, in the year 2020, had applied for issuance of passport in his favour and that his application was forwarded to the concerned Senior Superintendent of Police for verification of his character and antecedents on 28th of October, 2020. Thereafter, the CID/ Police Verification report was received on 26th of April, 2023 with the remarks as “not recommended”. It is further stated that a detailed report was also sought vide letter dated 8th of August, 2023, which was received from the Jammu & Kashmir CID on 6th of October, 2023, again with the observation that on the basis of field report, passport case of the petitioner is “not recommended”. It is further averred that the show cause notice has been served upon the petitioner by the respondent Nos. 1 and 2.

07. The respondent No.3 has also filed response, stating therein that the father of the petitioner, who was a local trained militant of HM outfit, was arrested by the security forces in the year 1990 and, thereafter, released after two months. It is further stated that in the year 1993, the father of the petitioner joined the All Parties Hurriyat Conference which split into two groups, i.e., Hurriyat (G) and Hurriyat (M). The father of the petitioner aligned with Hurriyat (M) group, however, in 2016, he defected from the Hurriyat (M) faction and raised his own Hurriyat component known as the ‘National Peoples Party’ with the same separatist agenda. It is also stated that the father of the petitioner is involved in FIR No. 34/2006 registered in Police Station Nigeen, Srinagar for the commission of offences punishable under Section 13 ULA and Section 153-A IPC. The sister of the petitioner, namely, Mehak Jan as well as his brother, namely, Fahad, are also stated to have been married to Pakistani nationals. It is further averred that considering the aforesaid facts and circumstances of the case, the claim

of the petitioner for issuance/ re-issuance of passport has been disposed of as “not recommended” and forwarded to the concerned Regional Passport Officer vide letter dated 26th of April, 2023.

08. Learned counsel, appearing for the petitioner, has submitted that the father and brother of the petitioner have already been granted the passport, however, without any rhyme or reason, the respondents are not issuing the same in favour of the petitioner.

09. Be that as it may, it is not the stand of the respondent Nos. 1 and 2 that the application of the petitioner for issuance/ re-issuance of passport has been rejected by the respondent Nos. 1 and 2. In that view of the matter, this Court is of the considered opinion that the present petition can be disposed of by directing the respondent No.2 to decide the application stated to have been filed by the petitioner for issuance/ re-issuance of passport in his favour in accordance with the law and the rules governing the subject. **Ordered accordingly.** Needful shall be done by the respondent No.2 within one month from the date a copy of this order is made available to him. The petitioner shall be at liberty to supplement his case before the respondent No.2 for issuance/ re-issuance of passport in his favour by producing any document in support of his claim.

10. Writ Petition is, accordingly, **disposed** of.

(Rajnish Oswal)
Judge

SRINAGAR

January 31st, 2024

“TAHIR”