

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.20296 OF 2023

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“.....to issue a Writ order or direction more in the nature of mandamus declaring the inaction of the respondent Nos.2 and 3 in not considering the issuance of fresh passports 1) Application No.VJ2065225331923, dated 30.03.2023 and 2) Application No.VJ2065223955523, dated 30.03.2023 due to a pending crime in Cr.No.42/2011 as highly illegal, arbitrary and unjust improper contrary to law and against the principles of natural justice and in violation of Article 14, 19, 21 and 300A of the Constitution of India and also against the passports Act 1967 and Rules therein and consequently, direct the respondent Nos.2 and 3 to issue passports to the petitioners herein in accordance with the procedure established by law and pass”

2. Heard Ms.K.Sujitha, learned counsel for the petitioner and Mr.G.Arun Showri, learned Central Government

Counsel appearing for respondent Nos.1 to 3 and learned Government Pleader for Home appearing for respondent No.4.

3. Ms.K.Sujitha, learned counsel for the petitioners, in elaboration to what has been stated in the affidavit, has been contended that the respondent-Passport Authorities are not issuing fresh passport to the petitioners, on the ground of pendency of crime against petitioners. Learned counsel for the petitioners further submitted that, the petitioner's case does not fall under provision of Section 6 (2) (f) of Passport Act, 1967. In spite of which, the authorities are not considering the petitioners' passport applications. As such, prayed to pass appropriate orders in that regard.

4. On the other hand, the learned Assistant Government Pleader for Home, on instructions, submitted that, the crime pending against the petitioners was already closed and as on today there is no crime pending against the petitioners.

5. On the other hand, Mr.G.Arun Showri, learned Central Government Counsel, submitted that the writ

petition can be disposed of by passing appropriate orders, thereby directing the respondent authorities to consider the petitioners applications as there is no crime pending against the petitioners.

6. Taking the submissions made by both the learned counsel into consideration, admittedly as there is no crime pending against the petitioners, the respondent authorities cannot refuse to issue passport to the petitioners, even on mere pendency of crime the authorities cannot refuse to issue passport in view of provisions of Section 6 (2) (f) of Passport Act, 1967.

7. In these circumstances, as there is no purpose in keeping the Writ Petition pending, this Court is inclined to dispose of the Writ Petition, at the admission stage, with the following order:

8. The respondent authorities are directed to consider the petitioners passport applications Nos.VJ2065225331923, dated 30.03.2023 and VJ2065223955523, dated 30.03.2023 and issue passports in accordance with law. There shall be no order as to costs.

Miscellaneous Applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

18th August, 2023.
KKV/TJN

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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.20296 OF 2023

18.08.2023

KKV/TJN

HIGH COURT OF ANDHRA PRADESH**Writ Petition No.20296 of 2023**PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
02.	18.08.2023	<u>RC, J</u> The present Writ Petition is disposed of. (Vide separate order) KKV/TJN <u>RC, J</u>	

