

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 867 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 27/03/2024 in the W.P. No. 7873 of 2024 on the file of the High Court.

Between:

1. Union of India, Ministry of External Affairs, Rep. by its Secretary, PSP Division, Room No.27, Patiala House, Tilak Marg, New Delhi-110 001.
2. The Passport Authority of India, Rep. by its Chief Passport Officer, Ministry of External Affairs, Room No.08, Patiala House, Tilak Marg, New Delhi-110 001.
3. The Hyderabad Regional Passport Office, Rep. by its Regional Passport Officer, D.No.82215 to 219, Kummarguda, Secunderabad-500 003, Telangana.

**...APPELLANTS
(RESPONDENTS IN WP)**

AND

Mahendra Kumar Agarwal S/o. Mr.P.D.Agarwal, Aged 70 years, Occ: Business, R/o. Flat No.2A, 8-2-415/1, Road No.4, Banjara Hills, Hyderabad.

**...RESPONDENT
(WRIT PETITIONER)**

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Judgment dated 27-03-2024, in W.P.No.7873 of

2024, otherwise the Petitioner/Appellants would suffer serious hardship and irreparable loss.

**Counsel for the Appellants: SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent: SRI B.S. PRASAD, SENIOR COUNSEL
REPRESENTING SRI NIRMAL KUMAR PANDEY**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.867 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for the appellants.

Mr. B.S.Prasad, learned Senior Counsel representing Mr. Nirmal Kumar Pandey, learned counsel for the respondent.

2. With the consent of the learned counsel for the parties, the appeal is heard finally.
3. This intra court appeal is directed against the order dated 27.03.2024 by which the writ petition preferred by the respondent, namely W.P.No.7873 of 2024, has been disposed of and the appellant No.3 has been directed to reissue the passport for a period of ten years under Section 10 of the Passports Act, 1967, and under Rule 12 of the Passport Rules, 1980, without reference to the criminal

proceedings pending against the respondent in Crime Nos.622 and 623 of 2019 on the file of the Madhapur Police Station for the offences under Sections 120-B, 403, 406, 409, 418 and 420 of the Indian Penal Code, 1860.

4. Facts giving rise to filing of this appeal briefly stated are that the respondent submitted an application seeking renewal of his passport for a period of ten years. The Passport Officer renewed the passport for a period of one year and refused to renew it for a period of ten years on the ground that a criminal case vide Crime Nos.622 and 623 of 2019 is pending on the file of the Madhapur Police Station for the offences under Sections 120-B, 403, 406, 409, 418 and 420 of the Indian Penal Code, 1860. Being aggrieved, the respondent filed the writ petition.

5. The learned Single Judge, by an order dated 27.03.2024, disposed of the writ petition with a direction to the appellants to consider the case of the respondent and to reissue the passport for a period of ten years without reference to the criminal proceedings. Hence, this appeal.

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6. Learned Deputy Solicitor General of India submitted that the learned Single Judge ought to have appreciated that a notification under Section 22(a) of the Passports Act, 1967, has been issued which provides that a person against whom a proceeding is pending in respect of an offence alleged to be committed by him before the criminal Court to obtain orders from the concerned Court. It is further pointed out that the Passport Officer is under an obligation to act in consonance with the orders passed by the concerned Court. It is, therefore, urged that the impugned order is contrary to law.

7. On the other hand, learned Senior Counsel for the respondent, at the outset, submitted that two first information reports which were lodged against the respondent in pursuance of the complaint made by his sons are pending at the stage of investigation and the Court has not passed an order taking cognizance of the offences against the respondent.

8. In this connection, our attention has been invited to the office memorandum dated 10.10.2019 and it has been

contended that the bar contained under Section 6(2)(f) of the Passports Act, 1967, does not apply to the fact situation of the case, as the criminal case is not pending against the respondent before the criminal Court.

9. Learned Deputy Solicitor General of India submits that, in any case, the Court ought to have imposed a condition on the respondent to seek leave of the Court before leaving the country.

10. The aforesaid submission is not resisted by the learned Senior Counsel for the respondent. It is contended that as and when the respondent intends to leave the country, he shall seek the permission of the concerned Court.

11. In view of the aforesaid consensus arrived at between the parties, the order dated 27.03.2024 passed by the learned Single Judge is modified and it is directed that the respondent shall not leave the country without seeking leave of the concerned Court.

12. Accordingly, the appeal is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

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SECTION OFFICER

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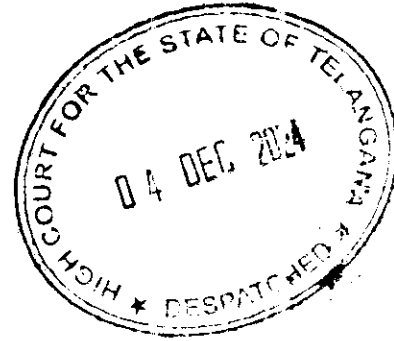
1. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA [OPUC]
2. One CC to SRI NIRMAL KUMAR PANDEY, Advocate [OPUC]
3. Two CD Copies

KKS
MP



HIGH COURT

DATED:05/11/2024



JUDGMENT

WA.No.867 of 2024

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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2/12/24
LKS