

## Motazid Billah vs Union Of India And 3 Others on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69106-DB

Court No. - 39

Case :- WRIT - C No. - 13441 of 2025

Petitioner :- Motazid Billah

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Firdos Ahmad,Pawan Kumar Yadav

Counsel for Respondent :- A.S.G.I.,Anant Kumar Tiwari,C.S.C.

Hon'ble Arindam Sinha,J.

Hon'ble Avnish Saxena,J.

1. Mr. Pawan Kumar Yadav, learned advocate appears on behalf of petitioner and submits, his client has applied for issuance of passport on application dated 20th February, 2025. Copy of the online application is at page no.20 (annexure no.3). In spite thereof, the passport has not been issued. This is purportedly because criminal cases are pending in which his client is involved.

2. He relies on order dated 19th January, 2024 of co-ordinate Bench in a batch of writ petitions, leading case being Writ-C no. 41540 of 2023 (Pawan Kumar Rajbhar Vs. Union of India and two others), paragraph nos. 21 and 27.

3. Mr. Piyush Tripathi, learned advocate, Central Government Counsel appears on behalf of Union of India and on query submits, he does not have instructions as to whether there has been appeal preferred to the Supreme Court against Pawan Kumar Rajbhar (supra).

4. Co-ordinate Bench in paragraph 21 of Pawan Kumar Rajbhar (supra) recorded fair statement made by learned Additional Solicitor General of India (A.S.G.I.) that there is no reason to withhold issuance, renewal or reissue of a passport. Furthermore, in paragraph 27 of the co-ordinate Bench discussed pendency of criminal case or cases or FIR registered, in which applicant, inter alia, for reissuance of passport has been mentioned as accused. There again fair statement made by learned A.S.G.I. was recorded, regarding cases where any NCR may be registered, the necessary passport may be issued, reissued, renewed, as the case may be, without any delay. No permission may be sought or required from the competent Court of criminal jurisdiction, in those cases.

5. The view as was taken by co-ordinate Bench covers petitioner's claim in the writ petition. Concerned respondent as may be respondent no.2 or any other is directed to forthwith deal with the application of petitioner, for issuance of passport in terms of Pawan Kumar Rajbhar (supra). In event the application is to be rejected, petitioner must be informed of the reasons within four weeks of communication of certified copy of this order. It also goes without saying, otherwise the passport must be issued within aforesaid period.

6. The writ petition is disposed of Order Date :- 1.5.2025 Shivangi (Arindam Sinha, J.) (Avnish Saxena, J.)