



2025:AHC:181505-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34412 of 2025

Rahimuddin

.....Petitioner(s)

Versus

Union Of India And Another

.....Respondent(s)

Counsel for Petitioner(s)	: Gulabul Hasan, Pradeep Kumar Aditya, Rajesh Kumar Verma
Counsel for Respondent(s)	: A.S.G.I., Arvind Nath Agrawal

A.F.R.

Court No. - 4

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

Per Swarupama Chaturvedi, J.

1. Heard Sri Pradeep Kumar Aditya, learned counsel for the petitioner as well as Sri Agresh Agarwal, Advocate holding brief of Sri Arvind Nath Agarwal, learned panel counsel appearing for respondents.

2. This writ petition under Article 226 of the Constitution has been filed by the petitioner seeking a direction in the nature of mandamus commanding the respondent no. 2-Regional Passport Officer, District Bareilly to re-issue passport to the petitioner for a period of ten years pursuant to the No Objection Certificate (NOC) dated 10.10.2024 issued by Chief Judicial Magistrate, Pilibhit as the passport was issued earlier to the petitioner for a period of one year.

3. Background facts of this case are that the petitioner had earlier approached this Court by filing Writ C No. 30083 of 2024 (Rahimuddin vs. Union of India and Another), seeking a direction to the respondents to issue a passport in his favour, as the matter remained pending before passport office for one criminal case, arising out of FIR No.181 of 2016 under Section 447 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984 being pending against him. The Division Bench had disposed of the above petition with directions vide its order dated 10.09.2024, following the judgment in the case of *Pawan Kumar Rajbhar vs. Union of India & 2 Others* (Neutral Citation No.,

2024:AHC:9963-DB). In compliance of the order dated 10.09.2024, petitioner applied for No Objection/ sanction/ approval which was granted to him by the Chief Judicial Magistrate, Pilibhit on 10.10.2024 and consequently, passport was issued to the petitioner, to be valid for one year i.e. from 20.01.2025 to 19.01.2026.

4. Learned counsel for the petitioner submits that in view of the permission granted by the competent Court, the passport of the petitioner should be renewed for a period of ten years as is statutorily prescribed. In support of his submissions, he has relied upon the judgment of Division Bench of this Court in the case of *Pawan Kumar Rajbhar (supra)*, which is applicable in cases where criminal cases are pending against applicant and if such applicant gets no objection/sanction/approval from the concerned criminal law court to travel outside India, then such passport applications can be disposed of by granting passport or renewal of passport as the case may be, provided there is no other legal impediment. Learned counsel has also relied upon an order dated 23.10.2024 passed by a Co-ordinate Bench of this Court in **Writ C No. 24699 of 2024 (*Ishtiyak Khan vs. Union of India and Others*)**.

5. Controverting submissions made by the counsel for the petitioner, learned panel counsel appearing for respondent-passport office submits that petitioner had obtained no objection/approval from the concerned trial court to travel for pilgrimage (Haj), but the order of the competent court does not specify any duration for which the passport was to be issued, therefore, the authority has rightly issued passport for a period of one year. Learned counsel for the respondents referred to the Notification dated 28.8.1993 issued by the Ministry of External Affairs, Government of India which provides guidelines for the issuance of passport to persons having criminal cases/trials pending against them.

6. In view of the above rival submissions, the issue to be determined in this petition in our view is, *whether the passport-issuing authority has correctly granted the passport valid for only one year, despite no objection/sanction/approval order passed by the competent criminal law court in that regard and whether petitioner is entitled to have further renewal of his passport for a period of ten years in all circumstances if such no objection/sanction/approval has been obtained from the*

competent law court which does not specify the period for which a passport could be issued.

7. We have considered the submissions made by respective counsel for the parties, gone through the relevant provisions of the Passport Act, 1967 as well as the Passport Rules, 1980, the Government Notification dated 25.8.1993 as well as the Office Memorandum No.VI/401/1/5/2019 dated 10.10.2019 issued by the PSP Division, Ministry of External Affairs and have also perused the records. We have also gone through the judgment of the Division Bench of this Court in case of *Pawan Kumar Rajbhar (supra)* and *Ishtiyak Khan (supra)* referred to by learned counsel for the petitioner along with some other judgements on this issue.

8. We find it apt here to first discuss the relevant provisions of the Passport Act, 1967 (hereinafter referred to as the "Act, 1967") and Government of India notification dated 25.08.1993. Section 5 of the Act, 1967 provides for filing application for Passports, travel document etc., however, Section 6 of the Act relates to provisions for specific refusal of Passport, travel documents etc., enumerating various conditions for refusal of passport. For the determination of the issue in this petition, relevant provisions of the Act, 1967 are reproduced below:

“5. Applications for passports, travel documents, etc, and orders thereon.—(1)

An application for the issue of a passport under this Act for visiting such foreign country or countries (not being a named foreign country) as may be specified in the application may be made to the passport authority and shall be accompanied by such fee as may be prescribed to meet the expenses incurred on special security paper, printing, lamination and other connected miscellaneous services in issuing passports and other travel documents.

Explanation.- In this section, "named foreign country" means such foreign country as the Central Government may, by rules made under this Act, specify in this behalf.

(1A) An application for the issue of-

- (i) a passport under this Act for visiting a named foreign country; or*
- (ii) a travel document under this Act, for visiting such foreign country or countries (including a named foreign country) as may be specified in the application or for an endorsement on the passport*

or travel document referred to in this section, may be made to the passport authority and shall be accompanied by such fee (if any) not exceeding rupees fifty, as may be prescribed.

(1B) Every application under this section shall be in such form and contain such particulars as may be prescribed.

(2) On receipt of an application under this section, the passport authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing,—

(a) issue the passport or travel documents with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of the foreign country or countries specified in the application; or

(b) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of one or more of the foreign countries specified in the application and refuse to make an endorsement in respect of the other country or countries; or

(c) refuse to issue the passport or travel document or, as the case may be, refuse to make on the passport or travel document any endorsement.

(3) Where the passport authority makes an order under clause (b) or clause (c) of sub-section (2) on the application of any person, it shall record in writing a brief statement of its reasons for making such order and furnish to that person on demand a copy of the same unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such copy.

6. Refusal of passports, travel documents, etc.—*(1) Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any foreign country under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and no other ground, namely:—*

(a) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India:

(b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

(c) that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country,

(d) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:—

(a) that the applicant is not a citizen of India.,

(b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India.,

(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

(Emphasis added)

7. Duration of passports and travel documents.—A passport or travel document shall, unless revoked earlier, continue in force for **such period as may be prescribed** and different periods may be prescribed for different classes of passports or travel documents or for different categories of passports or travel documents under each such class:

Provided that a passport or travel document may be issued for a shorter period than the prescribed period—

(a) if the person by whom it is required so desires; or

(b) if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period.

8. Extension of period of Passport.—Where a passport is issued for a shorter period than the prescribed period under section 7, such shorter period shall, unless the passport authority for reasons to be recorded in writing otherwise determines, be extendable for a further period which together with the shorter period shall not exceed the prescribed period and the provisions of this Act shall apply to such extension as they apply to the issue thereof.

9. Conditions and forms of passports and travel documents.—The conditions subject to which, and the form in which, a passport or travel document shall be issued or renewed shall be such as may be prescribed:

Provided that different conditions and different forms may be prescribed for different classes of passports or travel documents or for different categories of passports or travel documents under each such class:

Provided further that a passport or travel document may contain in addition to the prescribed conditions such other conditions as the passport authority may, with the previous approval of the Central Government, impose in any particular case.

22. Power to exempt.—Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

(a) exempt any person or class of persons from the operation of all or any of the provisions of this Act or the rules made thereunder; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.”

(Emphasis added)

9. From perusal of the above-noted provisions, it is clear that the enactment foresees situations and circumstances where authority concerned can make an enquiry, and on the basis of that authority can accept or reject the application for passport made by any person for the conditions prescribed under the Act. Section 6(2)(f) of the Act, 1967 makes it more specific that if proceedings in respect of an offence alleged to have been committed by an applicant are pending before a criminal law court in India, it can be one of the reasons for refusal of passport. The Act also provides a provision for issuance of passport for a shorter period of time in certain situations, although the word ‘shall’ used in Section 6 (2) of the Act, 1967, indicates its binding nature of the provision and does not leave any room for exercising discretion by the passport authority. Since the issue pertains to the issuance of Passport during pendency of proceeding before a criminal law court in India, Section 6 (2) (f) of the Act, 1967, is to be considered by us.

10. Supreme Court has considered Section 6.2 of the Act 1967 in ***Vangala Kasturi Rangacharyulu vs Central Bureau of Investigation, 2021 SCC OnLine SC 3549***, where applicant was convicted for offences punishable by trial court and the appeal filed by him was dismissed by the concerned High Court, however, while his appeal against the dismissal by the High Court was already pending consideration in the Supreme Court, the said appellant filed application before Supreme Court for a direction to the respondent to give no objection for renewal of his passport which had expired. The counsel representing Passport Authority contended that sub-section 6.2(e) and (f) of the Act, 1967 would be applicable to this case

and hence, the applicant was not entitled to seek renewal of passport without obtaining permission from the trial court. After reproducing Section 6.2 of the Act 1967, Supreme Court held that:

“7. The refusal of a passport can be only in case where an applicant is convicted during the period of 5 years immediately proceeding the date of application for an offence involving moral turpitude and sentence for imprisonment for not less than two years.

8. Section 6.2 (f) relates to a situation where the applicant is facing trial in a criminal court.

9. Admittedly, at present, the conviction of the appellant stands still the disposal of the criminal appeal. The sentence which he has to undergo is for a period of one year. The passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal.

10. The passport authority is directed to renew the passport of the applicant without raising the objection relating to the pendency of the criminal appeal in this Court.”

11. To understand the scope of power under Section 6(2)(f) and how the order from the competent law court affects the duration of passport, it becomes necessary to look into the Notification dated 25.8.1993 issued by the Ministry of External Affairs in exercise of power under Section 22 of the Act 1967. Relevant part of the notification is reproduced below for ready reference:

*“G.S.R. 570 (E).— In exercise of powers conferred by clause (a) of Section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby **exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-***

(a) the passport to be issued to every such citizen shall be issued

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year.

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a) (ii) and (s) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court, and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;”

(Emphasis added)

12. A plain reading of the above notification unequivocally leads to an inference that in cases where a citizen is permitted by the competent court to be issued with a passport, the duration of such passport shall be determined in accordance with the directions provided in that order of court and if the court order specifies a period for an applicant to travel abroad for which the passport is to be issued, the same shall be issued for that specified duration. However, in case no such period is indicated in the order then the passport to be issued shall be valid for a period of one year only. In instances where the court permits travel abroad for a period less than one year but does not provide any specific duration for the validity period of the passport, then also the passport shall be issued for one year. Although, if the order allows travel abroad for a period exceeding one year without specifying the validity of the passport, the passport shall be issued for the duration of the travel period as mentioned in that order. Thus, we find that notification has been issued to grant

exemption to above class of citizens by Government of India in purported exercise of power vested in it under Section 22(b) of the Act, 1967, otherwise in view of Section 6(2)(f) the passport shall have to be refused.

13. The Notification dated 25.08.1993 was further clarified by the Ministry of External Affairs vide its Office Memorandum dated 10.10.2019. The Office Memorandum was specifically on the subject, **"Issue of passport to applicants against whom criminal cases are pending before a court of law in India"**. In the above mentioned office memorandum, reference was invited to Notification No. GSR 570(E) dated 25.08.1993 regarding issuance of passports to applicants who have criminal proceedings pending against them and whose applications would attract the provisions of clause (f) of sub-section (2) of Section 6 of the Act, 1967. After reproducing complete notification dated 25.08.1993, it was instructed in the office memorandum dated 10.10.2019 that:

“5. (i) The provisions of GSR 570 (E) may be strictly applied in all case. GSR 570 (E) is a statutory notification and hence, forms part of the Rules. It is to be noted that as per Section 5(2) of the Passports Act, 1967, the passport authority shall by order in writing take a decision whether to issue or refuse a passport, after making such inquiry, if any, as it may consider necessary. Moreover, Section 7 of the Passports Act, provides that a passport or travel document may be issued for a shorter period than the prescribed period if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period. Rule 12 of the Passport Rules, 1980 only states that an ordinary passport shall be in force for a period of 10 years which implies that an ordinary passport cannot be issued beyond a period of 10 years.

(x) It may noted that GSR 570(E) only exempts and applicant from the operation of Section 6(2)(f) and none of the other sub-sections of Section 6(2) of the Passports Act, 1967.”

14. Supreme Court has considered the Office Memorandum dated 10.10.2019 and while reproducing the above mentioned notification in its order dated 20.09.2024, in the case of ***Rita Verma vs. Union of India & Ors., Civil Appeal No. 10661 of 2024***, arising out of SLP (C) No. 7481 of 2024, upheld the notification dated 10.10.2019 and allowed the appeal with following direction:

“6. In this view of the matter, it is sufficient for us to direct the authorities to consider the

application for renewal of the passport on the basis of Office Memorandum dated 10.10.2019 or any other subsequent Office Memorandums that may govern the field notwithstanding the order passed by the High Court in Writ Petition(C) No.6450/2024 dated 28.02.2024, upon making of an appropriate application, the same shall be disposed of, as expeditiously as possible.”

15. The Division Bench of this Court at Lucknow has considered the power of exemption under Section 22 of the Act, 1967 as well as the notifications issued while invoking Section 22 in the case of ***Mohd. Talha vs UoI Thru. Its Secy. Ministry Of External Affairs New Delhi And 2 Others, Neutral Citation No. - 2025:AHC-LKO:24961-DB***, and it has held that the notification under Section 22 of the Act, 1967 has statutory backing and force. The requirement of obtaining ‘permission’ or ‘NOC’ for an under-trial to go abroad, is a statutory requirement under the Act, 1967. It has further held as under:

“(22) It is seen that the Central Government has deliberately left the period for issuance of Passport to the discretion of the trial Court. However, if the Court chooses to grant permission to the applicant to depart from India but abstains from specifying the period therefor, i.e., the trial Court refuses to exercise its discretion in the first instance as aforesaid, then the power of determining the period reverts back to the residuary authority of the Central Government, which is conferred on the Central Government in the first place by the source of its power, that is, Section 22 of the Act, 1967 and, in such a case, a reasonable period of one year has been fixed by the Central Government, which this Court finds to be in consonance with Section 22 of the parent statute that is the Passport Act, 1967 as well as Article 19 (5) of the Constitution of India, read in the context of Section 6 (2) (f) of the 1967 Act.

...

(24) In the given circumstances, although Section 6 (2) (f) of the Passport Act, 1967 clearly provides that if the proceedings in respect of an alleged offence committed by the petitioner are pending before the criminal Court in India, then, it shall constitute a ground for refusal of issuance of Passport, however, by virtue of the beneficial statutory notification of GSR 570 (E) (dated 25th August, 1993) read along with the Office Memorandum dated 10.10.2019, the petitioner on submission of ‘No Objection Certificate’ from the Court where the proceedings are pending, shall be exempted from the operation of Section 6 (2) (f) of the Passport Act, 1967 and he/she would be entitled to go abroad and for this NOC issuance/renewal of the passport is implicit.”

16. From the above it becomes absolutely explicit that applicant seeking passport if faces a criminal case, he/she shall have to obtain permission of concerned criminal law court in the first instance to travel abroad. The law further provides that in the event applicant makes such an application stating the period for which he wants passport to be issued, the court shall pass appropriate order disposing of the same finally by both sanctioning foreign country travel and duration for which foreign country travel is being permitted and for issuance of passport accordingly.

17. We would also like here to consider legal right of a person seeking a passport to travel abroad and exercise of discretion by the authority while dealing with such application. In our considered view for arriving at a subjective satisfaction to reject or grant a passport application, there must be objective consideration of all documents placed before the authority. In our considered view a passport related application is also to be disposed of timely to enable a person to opt for other remedies available in law in the event of refusal of passport and in cases of one year extension of the validity of passport, this becomes more crucial. Supreme Court, in **Satwant Singh Sawhney v. D. Ramarathnam, Assistant Passport Officer, 1967 SCC OnLine SC 21**, held that:

“63. To conclude : whatever the view of countries like the U.S.A. where travel is a means of spending one's wealth, the better view in our country is that a person is ordinarily entitled to a passport unless, for reasons which can be established to the satisfaction of the Court, the passport can be validly refused to him. Since an aggrieved party can always ask for a mandamus if he is treated unfairly, it is not open, by straining the Constitution, to create an absolute and fundamental right to a passport where none exists in the Constitution. There is no doubt a fundamental right to, equality in the matter of grant of passports (subject to reasonable classifications) but there is no fundamental right to travel abroad or to the grant of a passport. With all due respect we say that the Court has missed one for the other. The solution of a law of passports will not make things any better. Even if a law were to be made the position would hardly change because the utmost discretion will have to be allowed to decide upon the worth of an applicant. The only thing that can be said is that where the passport authority is proved to be wrong, a

mandamus will always right the matter. In the present cases we found no valid ground for the issuance of a mandamus.”

18. This principle was further expanded in ***Maneka Gandhi v. Union of India, (1978) 1 SCC 248***, wherein it was held that the right to travel is encompassed within the ambit of the right to life and personal liberty, and that any administrative action impinging upon such right must satisfy the test of fairness, reasonableness and non-arbitrariness. It was observed by Justice M.H. Beg that:

“193. It seems to me that there can be little doubt that the right to travel and to go outside the country, which orders regulating issue, suspension or impounding, and cancellation of passports directly affect, must be included in rights to "personal liberty" on the strength of decisions of this Court giving a very wide ambit to the right to personal liberty (see : Satwant Singh Sawhney v. D. Ramarathnam, Assistant Passport Officer, Government of India, New Delhi & Ors. AIR 1967 SC 1836, Kharak Singh v. State of U.P. & Ors. AIR 1963 SC 1295.”

Justice Beg further observed that:

“226. Even executive authorities when taking administrative action which involves any deprivation of or restriction on inherent fundamental rights of citizens must take care to see that justice is not only done but manifestly appears to be done. They have a duty to proceed in a way which is free from even the appearance of arbitrariness, unreasonableness or unfairness. They have to act in a manner which is patently impartial and meets the requirements of natural justice.”

19. To sum up the laws on the point we observe that in matters of criminal investigation by police pursuant to a first information report and in matters where criminal trial is going on, a 'No Objection' becomes a must from the concerned police conducting investigation and from the court that has taken cognizance upon a police report (chargesheet) or even has proceeded to summon and try an accused in a complaint case as the case may be. The Government of India has granted exemption to such persons with above riders and then has prescribed limitation as to the period for which a passport can be issued to such persons and we see justification in

that. Both police conducting investigation and court conducting trial may require accused person at any point of time. We are also of the view that in cases where criminal trial has been stayed by a higher court or investigation or arrest has been stayed by high court in pending petition before it, then no objection/sanction/approval to visit abroad must be obtained from such higher court/high court as the case may be. We are also in full agreement with the Division Bench in its view expressed in *Pawan Kumar Rajbhar (supra)* that in cases of registration of only a Non-Cognizable Report such no objection/sanction/approval from police or court may not be necessary.

20. Now submissions made by learned counsel for respective parties are required to be dealt with in the light of statutory provisions and also after applying the principles of law derived from the interpretation by courts as discussed above in the setting of facts of this case in hand.

21. Learned counsel of the petitioner has relied upon *Pawan Kumar Rajbhar (Supra)*, and after going through the judgement, we are of the considered view that issuing a passport for one year is justified. Reliance was also placed by the petitioner upon the order dated 23.10.2024 passed by a co-ordinate Bench of this Court in the case of *Ishtiyak Khan (supra)*. In our considered view, the reliance is misplaced as the order passed in the *Ishtiyak Khan (supra)* is based upon different facts and circumstances which are distinguishable from the case of petitioner.

22. It is apparent from the records that initially the petitioner had filed an application for grant of passport, which request was declined due to a First Information Report lodged against him and police was conducting investigation. Thereafter, he approached this Court by filing a petition being Writ C No. 30083 of 2024 and it is pursuant to the order passed in the petition that petitioner applied for No objection/ Sanction/Approval from the court concerned which was issued to him on 10.10.2024. Subsequent thereto, the respondent no. 2 issued Passport No. C7705116 which is for a period of one year w.e.f., 20.01.2025 to 19.01.2026.

23. It is pertinent to mention here that the competent law court had directed the Regional Passport Office, Bareilly to issue passport to the petitioner as per rules after the petitioner submits his personal affidavit, surety and an undertaking in the light of conditions imposed by the court

under its order dated 10.10.2024. The order does not specify any duration for which the passport was to be issued.

24. Applying the above discussed legal principles, we have no doubt in holding that clause (a)(ii) of the notification dated 25th August, 1993 as amended/modified on 10.10.2019 is attracted to the facts of the case. Hence, we hold that the passport-issuing authority was well within its power to grant passport having validity of one year only and the petitioner cannot demand a passport or its renewal for ten years as a matter of right. We have already noticed that the no objection was granted by the competent law court does not specify the duration for which the passport was to be issued. We reiterate that, where no specific period is stated in the order of the competent court, the passport may be issued for one year at a time and the said period can be extended by way of renewal as per law if the application is made before the authorities, provided that the applicant has not yet travelled abroad during the court-sanctioned period and that the court's order has not been modified or revoked in the meantime.

25. Recently we have been observing that this Court is flooded with petition seeking direction to Passport Office to dispose of their pending application for either issuance of a fresh passport or re-issuance (renewal) of passport and passport seekers even do not wait for a notice from the passport office in the event of any issue regarding grant of passport application at times they even do not give reply to the notice and directly approach this Court for a direction.

26. Learned counsel has brought our attention to Citizen's Charter June 2025, published by Ministry of External Affairs Government of India, where timeline for issue of ordinary passport is expected up to thirty working days, which excludes the police verification period. For re-issuance the expected timeline is up to seven working days and there also the exception is provided that in cases where police verification is required there the time period taken in police verification is excluded. This demonstrates that the time required in police verification is not stipulated while making guidelines or expected time-line for passport application process. In the light of the constitutional mandate discussed above, this Court expects that the authorities concerned, particularly the

police department, shall ensure that all verification files pertaining to passport applications are processed with due diligence and completed within the stipulated time-frame prescribed by the Ministry of External Affairs. Any delay in such administrative functions should be strictly avoided unless justified by exceptional circumstances. Delaying in police verification, which is an essential exercise for an accused, is creating hurdle in realization of the right to travel, specially in cases where re-issuance of the passport is for a duration of one year.

27. In such circumstances, in our view, passport applicants, if find disposal of their applications delayed, should first reply to the notice and if they find that their application for passport has remained pending for their implication in criminal case, they should first apply for necessary no objection/sanction/approval from court concerned, police or criminal law court, as the case may be. The passport office should also not linger on their matters as there may be urgency to a passport applicant. So the concerned Regional Passport Officer in all circumstances where passport cannot be issued must inform the applicant regarding it within a month of submission of passport application and as soon as proper no-objection/sanction/approval is obtained and submitted, should dispose of passport application finally within a further period of a month. The police in cases of application submitted for passport must submit its report within four weeks without undue delay.

28. In the circumstances, in the present case we do not find any justification to issue further direction at this stage to extend period of passport beyond 19.1.2026. However, a person like petitioner can repeatedly apply for renewal of passport soon after its expiry or even before, in accordance with relevant provisions of law as discussed above. Hence, liberty rests with the petitioner as above and in the event petitioner approaches the authority concerned for extension of the validity of his passport just before its expiry by following due procedure prescribed in law, the respondent no.2 shall consider the application as per the provisions of the Passport Act, 1967 as well as the Passport Rules, 1980 and notifications issued by Government of India through Ministry of External Affairs from time to time and in the light of law as discussed above.

29. With aforesaid observations and directions, this petition stands **disposed of**.

30. Registrar Compliance is directed to send a copy of this judgement to all the Regional Passport Offices of the State of Uttar Pradesh and also to the Additional Chief Secretary Home, Government of U.P. for necessary compliance.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

October 10, 2025

Kirti