



2026:AHC:67859-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 12199 of 2026

Chabinath Kumar

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bhoodev Yadav
Counsel for Respondent(s)	:	A.S.G.I., C.S.C.

Court No. - 40

**HON'BLE SARAL SRIVASTAVA, J.
HON'BLE GARIMA PRASHAD, J.**

1. Heard Sri Shivjeet, learned counsel, holding brief of Mr. Bhoodev Yadav, learned counsel for the petitioner, Sri Ravi Prakash, learned counsel appearing for the respondent Nos.1 & 2 and the learned Standing Counsel for the State-respondents.

2. The petitioner by means of present writ petition has prayed for the following relief:-

"i- issue a Writ, Order or Direction in the nature of Mandamus commanding Respondent No.4 to complete the physical police verification and submit the report to the Regional Passport Office within a stipulated timeframe.

ii. Issue a Writ, Order or Direction in the nature of Mandamus commanding Respondent No.2 (Regional Passport Officer) to process and issue/renew the passport to the petitioner in accordance with law."

3. The petitioner has applied for issue of passport. According to the petitioner, the respondent no.2-Regional Passport Officer, Lucknow has neither issued the passport nor has passed any order for grant of issuance of passport on the ground of pendency of a criminal case against the petitioner.

4. A coordinate Bench of this Court in ***Pawan Kumar Rajbhar v. Union of India and others*** (Writ-C No. 41540 of 2023, decided on 19.01.2024)

has held that pendency of criminal proceedings, including at the stage of investigation, does not by itself justify rejection of a passport application, which must be considered in terms of Notification dated 25.08.1993. It has further laid down that upon receipt of information regarding pendency of criminal proceedings from the State authorities, the Regional Passport Office shall intimate the applicant within one week and grant not less than eight weeks to obtain permission from the competent court, during which period the application may be kept pending. Upon submission thereof, the passport shall be processed expeditiously and without undue delay, preferably within one week.

5. Further, in *Harshit Vaish v. State of U.P. and another* (Criminal Revision No. 524 of 2026, decided on 18.03.2026), this Court, taking note of Office Memorandum dated 06.12.2024 issued by the Ministry of External Affairs, has observed that while no separate NOC is required, an order of the competent court permitting the applicant to travel abroad is necessary for issuance of passport. The trial court may grant or refuse permission and impose conditions, including the period of travel. If no period is specified, the passport may be issued in terms of GSR 570(E), ordinarily for a period not exceeding one year.

6. Since, the decision in respect of issuance of the passport is to be taken by respondent no.2, accordingly, petitioner is permitted to file a representation before respondent no.2 within a period of one month from today. On filing the said representation, respondent no.2 shall consider and decide the application for issuance of passport to the petitioner in the light of the aforesaid judgements within the period of three months from the date, the representation of the petitioner is received by respondent no.2.

7. With the aforesaid observation, the present petition is disposed off.

(Garima Prashad,J.) (SaraI Srivastava,J.)

March 31, 2026

Rakesh