



2026:AHC-LKO:19330-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 1963 of 2026

Mahfooz Alam

.....Petitioner(s)

Versus

U.O.I. Thru. Secy. Ministry Of External Affairs
New Delhi And Another

.....Respondent(s)

Counsel for Petitioner(s) : S Malik E Ashtar Rizvi, Kumar
Lakshay, Mohd Zameer Abbas
Counsel for Respondent(s) : A.S.G.I.

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE MANJIVE SHUKLA, J.**

1. Heard Shri Mohd. Zameer Abbas learned counsel for the petitioner as well as Shri S.B. Pandey, learned Senior Advocate & DSGI assisted by Shri Varun Pandey, learned counsel appearing on behalf of the respondents.

2. This writ petition has been filed by the petitioner, inter alia praying therein for the following main reliefs:-

"(i) Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned order/show cause notice dated 02.01.2023 passed by the opposite party no.2/Regional Passport Office, Lucknow contained in Annexure No. 1 to this writ petition, in the interest of justice.

(ii.) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties to release the Passport number W7448314 of the petitioner, in the interest of justice."

3. Learned counsel for the petitioner submits that the matter may be disposed of in light of the judgment passed by Division Bench of this Court in **Pawan Kumar Rajbhar versus Union of India and 2 others**; Writ-C No.41540 of 2023 : Neutral Citation No.-2024:AHC:9963-DB. He further submits that his passport has been impounded on the basis of criminal case crime no. 93 of 2022 under

Section 323, 506, 427 I.P.C. mentioned in the show cause notice but the said criminal case has culminated in acquittal vide judgment dated 24.01.2023.

4. Learned counsel for the petitioner has also drawn the attention of this Court towards the two criminal cases against the petitioner bearing Case Crime No. 498 of 2020 under Sections 308, 323, 504, 506 I.P.C. registered at Police Station - Dewa, District - Barabanki which has culminated in acquittal vide judgment dated 27.03.2024 and Case Crime No. 0369 of 2022 under Sections 323, 504, 506, 406, 420 I.P.C. registered at Police Station - Kotwali, District - Barabanki which is pending before the C.J.M., Court No. 18, Barabanki.

5. The submission of learned counsel for the petitioner is controverted by Shri S.B. Pandey, learned Deputy Solicitor General of India appearing on behalf of the respondent(s). His submission is that the judgment of **Pawan Kumar Rajbhar (supra)** has been modified by Hon'ble Supreme Court in **Rita Verma vs. Union of India and others**; Petition(s) Special Leave to Appeal (C) No.7481 of 2024 vide judgment and order dated 20.09.2024.

6. It may be noted that in **Rita Verma (supra)**, the Division Bench of Allahabad High Court had reiterated the ratio of **Pawan Kumar Rajbhar (supra)**. However, the Supreme Court, after examining the entire position with regard to the Memorandum No.VI/401/1/5/2019 dated 10.10.2019, has directed as follows:-

"4. In spite of the clear wordings in the Memo, the High Court by the order impugned herein came to a conclusion that the office Memorandum is contrary to the statutory position and proceeded to dismiss the Writ Petition.

5. We have heard Mr. Malak Manish Bhatt, appearing for the appellant as also Mr. K.M. Natraj, learned Additional Solicitor General appearing for the Union of India. Mr. K.M. Natraj, learned Additional Solicitor General submits that the approach adopted by the High Court that the Office Memorandum is contrary to the statutory positions and is not supported by law and it is also not the stand of the Union of India. Learned Additional Solicitor General expressed no difficulty in processing

the application of the appellant on the basis of the Office Memorandum

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."

7. In light of the above finding(s) of Hon'ble Supreme Court, we are of the view that the authorities are required to consider the application of the petitioner for issuance of fresh passport on the basis of Office Memorandum dated 08.01.2025 or any other subsequent office memorandum that may govern the field as the Hon'ble Supreme Court has finally dealt with this issue in **Rita Verma (supra)**. The law laid down by Hon'ble Supreme Court in **Rita Verma (supra)** shall apply in the present case, therefore, we direct the authorities to act expeditiously in accordance with law in the subject matter.

8. With the aforesaid observations / directions, the writ petition is **disposed of**.

March 17, 2026
Lokesh Kumar

(Manjive Shukla,J.) (Shekhar B. Saraf,J.)