2026:AHC:99597-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 16808 of 2026

Abdul Azeem

.....Petitioner(s)

Versus

Union Of India And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Shri Niwash Yadav
Counsel for Respondent(s)	:	A.S.G.I., Prem Narayan Rai

Court No. - 40

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

1. Heard learned counsel for the petitioner, Sri Prem Narayan Rai, learned counsel for the Union of India and the learned Standing Counsel for the State.

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

> *"Issue a writ, order or direction in the nature of mandamus directing and commanding the respondent authorities to issue the passport in favour of petitioner in pursuance of the application Reference No. 26-0050145687 appointment date 9.2.2026, it is further be pleased to direct the respondent authority to take appropriate decision for issuance of the fresh passport in favour of the petitioner in pursuance to the application Reference No. 26-0050145687 appointment date 9.2.2026."*

3. The petitioner has applied for issuance 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 of such permission, 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 a necessary precondition for issuance of a passport. The trial court may grant or refuse permission and may impose such conditions as it deems appropriate, including specification of the duration of travel.

6. In view of the above, since the decision in respect of issuance of the passport is to be taken by respondent No.2, accordingly, the petitioner is permitted to file a fresh 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 of receipt of such representation.

7. It is clarified that this Court does not dilute or depart from the mandatory framework contained in Notification G.S.R. 570(E) dated 25 August 1993 and the clarificatory Office Memorandum dated 06.12.2024 issued under Section 22 of the Passports Act, 1967, including the

stipulation that, where no specific period is fixed by the competent Court, the passport shall be issued for a period of one year.

8. With the aforesaid observations, the present petition is disposed off.

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

April 30, 2026
Kuldeep

Digitally signed by :-
KULDEEP SINGH
High Court of Judicature at Allahabad