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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16024/2024**

SANDEEP DASH

.....Petitioner

Through: Mr. Vignesh Singh, Ms. Vibha Bhat,
Advocates

versus

**UNION OF INDIA THROUGH SECRETARY, MINISTRY OF
EXTERNAL AFFAIRS, GOVERNMENT OF INDIA & ORS.**

.....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Akash Mishra, Ms. Rashi Kapoor,
Advocates for UOI/R-1, 3 & 4 with
Mr. Sanjay Pal, GP
Ms. Rachita Garg, Mr. Agam Rajput,
Ms. Preeti, Advocates for R-2

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER
20.11.2024

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CM APPL. 67356/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

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4. The present petition seeks a direction to Respondent No. 3 to consider



Petitioner's application dated 13th November, 2023 for renewal of his passport. It is contended that there are two criminal cases, Spl. CC No. 628/2017 and Spl. CC No. 317/2017 pending against the Petitioner and therefore, a No-Objection Certificate¹ is required before the application is processed. In this regard, Ms. Nidhi Raman, counsel for Respondents relies upon notification dated 25th August, 1993 to assert that NOC is prerequisite for the purpose of issuance of the fresh passport or the renewal of the passport when there is a criminal case pending against the applicant.

5. Counsel for Petitioner states that he applied to Court of Additional City Civil and Sessions Court, Bangalore, to obtain the requisite NOC however, the said request was not entertained. He submits that as per the procedure followed by the said District Court, there was a mentioning made of the application annexed as Annexure P-6, however, at that stage itself, the Court declined to give NOC observing that it does not have the jurisdiction to issue such an NOC.

6. Therefore, the question that arises before this Court is whether by way of the notification dated 25th August, 1993, a procedure can be said to be established under law for issue of NOC by a Court, in absence of any specific provisions in the Passport Act, 1967 to that effect.

7. Additionally, the Petitioner asserts that there is no restriction on his travel as he is already admitted on bail and the chargesheet has been filed in Spl. CC No. 628/2017. Accordingly, the Petitioner is directed to place on record the bail order(s) passed in criminal cases pending against him within a period of one week from today, and serve an advance copy to counsel for the Respondents.

¹ "NOC"



8. Issue notice. Counsel representing for Respondents mentioned above, accept notice. Counter affidavits be filed within a period of two weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

9. Re-notify on 9th January, 2025.

SANJEEV NARULA, J

NOVEMBER 20, 2024/ab