

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3943 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Approved for Reporting	Yes	No

MAYANK GIRISHBHAI SHAH
Versus
REGIONAL PASSPORT OFFICER & ANR.

Appearance:

RONITH JOY(9560) for the Petitioner(s) No. 1

MR PRADIP D BHATE(1523) for the Respondent(s) No. 1

NOTICE SERVED BY DS for the Respondent(s) No. 2

**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK**

Date : 27/03/2026**JUDGMENT**

1. RULE returnable forthwith. Mr. Pradip Bhate, learned counsel for the respondent no.1 waives service of notice of rule on behalf of the respondent no.1. With the consent of the learned counsels for the respective parties, the present petition is taken up for final hearing today.

2. Present petition is filed by the petitioner under Articles 14, 21 and 226 of the Constitution of India read with the provisions of the Passports Act, 1967 and Rules 1980 seeking following reliefs:

"A. YOUR LORDSHIPS may be pleased to admit and allow the present petition;

B. YOUR LORDSHIPS may be pleased to issue appropriate writ, order or direction and be pleased to direct the Respondent herein to take appropriate action by processing the passport renewal application file of the petitioner pending before it bearing Passport Application Number: AH1070977272825 in accordance with law;

C. YOUR LORDSHIPS may be please to grant any other and further reliefs as it my deem fit and proper in the interest of Justice and Equity;"

3. Mr. Joy, learned counsel for the petitioner submits that the petitioner is facing trial vide NDPS Case No. 10/2022 which is pending before the 3rd Additional District Judge, Ahmedabad and that the petitioner is regularly appearing before the trial Court. He submits that the petitioner is enlarged on bail by the 2nd Additional District and Sessions Judge, Ahmedabad vide order dated 09.03.2023 passed in Criminal Misc. Application No.733 of 2023. He submits that one of the conditions imposed by the trial court while enlarging the petitioner on bail was that the petitioner shall submit his passport before the concerned officer and not leave India without prior approval of the Court. He submits that since the passport of the petitioner was to expire on 13.08.2025, the petitioner moved application to get his passport renewed before the Trial Court, which came to be partly allowed in Criminal Miscellaneous Application No. 1336/2025 vide order dated 02.05.2025. He submits that the petitioner got his passport released from the Investigating Officer and approached

the respondent authority for renewal, the application no. being AH1070977272825. He submits that the respondent authority refused to process the application stating that in order to process the application he has to produce an order from the concerned Court permitting him to depart from India. He submits that the petitioner only wants to get his passport renewed and is not desirous to travel abroad at the moment. He has urged that the present petition deserves to be allowed.

4. Per contra, learned counsel Mr. Pradip D. Bhate for the respondent no.1 has submitted that there is no restriction on this Court to issue a direction for issuance of the passport for a certain period of validity as per the rules. Mr. Bhate, learned counsel after perusal of the record is unable to controvert the facts of the case and therefore, submits that appropriate directions be passed accordingly.

5. I have heard the learned counsel for the respective parties and have considered the facts of the petition. It is not disputed that the petitioner is facing trial vide NDPS Case No. 10/2022 which is pending before the 3rd Additional District Judge, Ahmedabad and he is enlarged on bail by the 2nd Additional District and Sessions Judge, Ahmedabad vide order dated 09.03.2023 passed in Criminal Misc. Application No.733 of 2023. It appears that since the petitioner's passport was to expire on 13.08.2025, he had moved an application to get his passport

renewed before the Trial Court, which came to be partly allowed vide order dated 02.05.2025. It appears that upon approaching the respondent authority for renewal, the respondent authority refused to renew the passport on the ground that appropriate order from the concerned Court may be obtained permitting him to depart India.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the respective parties and averments made in the petition, the petition deserves to be allowed.

7. Considering the fact that the Trial Court had partly allowed the petitioner's application for renewal purpose and the petitioner is not even desirous to travel abroad at the moment, I am of the opinion that the respondent authority has not complied with the order dated 02.05.2025 passed by the Trial Court.

8. In the result, the present petition is allowed. The respondent authority is hereby directed to process the passport renewal application of the petitioner being Passport Application No. AH1070977272825 in accordance with law. Rule is made absolute. Direct service is permitted.

(HEMANT M. PRACHCHHAK,J)

ANUSRI