

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH**AT SRINAGAR****WP(C) No. 6/2024****CM No. 8/2024****Abdul Rashid Lone**

...Petitioner(s)/appellant(s)

Through: Mr. K. M. Bhatti, Advocate

Vs.**Union Territory of J&K and Others**

...Respondent(s)

Through: Ms. Zeenaz Basharat, Advocate vice

Mr. T. M. Shamsi, DSGI

CORAM:**HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE****ORDER****11.01.2024**

Petitioner is holder of a passport J7219335 issued on 06.03.2012 with validity expiring on 05.03.2022.

During the currency of its validity, petitioner had come to apply for its renewal before the authorities concerned. The impugned communication, bearing reference No. SCN/324265856/2023, came to be addressed to the petitioner by the Regional Passport Officer, Srinagar to explain his position viz-a-viz FIR No 24/2021 registered with the Crime Branch, Kashmir.

To this communication, the petitioner came to respond, but still the petitioner is held up at the stage of non-renewal of his passport which is impinging his fundamental right to travel and that inaction of the respondents is being questioned herein.

Learned counsel for the petitioner submits that in reference to the FIR No. 24/2021 with respect to which preliminary verification was held which had resulted in a closure way back in 2015 and still the registration of FIR came to take place which has been questioned by the petitioner in a petition which is also pending disposal before this Court, wherein this Court is said to have directed the investigating officer not to present final police report while allowing the conduct of the investigation of the case.

Learned counsel for the petitioner submits that investigation has still not reached to any conclusion and mere pendency of the investigation is

prejudicing the petitioner's status viz-a-viz renewal of his passport and petitioner is foreseeing loss of opportunity to carry out intended Haj pilgrimage .

Learned counsel for the petitioner draws attention of this Court to a judgment dated 23.11.2022 in WP(C) No. 1534/2022 passed by the Coordinate Bench of this Court in which after making an exhaustive reference to the case law on the subject holding that mere pendency of investigation in FIR is not a ground in itself to withhold the renewal of passport in favour of a person concerned, the learned counsel for the petitioner pleads the case of the petitioner.

Prima-facie case made out.

Notice accepted by the respondent No. 2 and 4. Respondent No. 2 and 4 to file response to the writ petition within a period of two weeks.

In the meantime, respondent No.4 is directed to seek a report from the investigation authority with respect to FIR no. 24/2021 and in case no challan has been presented as yet in that eventuality, the mandate of the judgment of this Court referred above shall be followed in according the renewal and issuance of the passport. Any such consideration accorded by the respondent No.4 shall be subject to the outcome of the writ petition. List on 05.02.2024.

(RAHUL BHARTI)
JUDGE

SRINAGAR
11.01.2024
Aadil