

# HC snubs passport office over issuance delays, invalid rejections



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In a relief to those left hanging after applying for a passport, the Bombay High Court took the passport office to task over pending applications and rejections without valid reasons.

A division bench comprising Justice S C Dharmadhikari and Justice B P Colabawalla issued a warning to the passport office that if the court came across such cases in the future, the concerned passport officer would be penalised heavily.

The order was passed after Kandivali resident Amit Agarwal filed a petition saying that his passport, which was renewed in 2013, had been abruptly cancelled after he approached the passport office to get

his birth date corrected on it.

"We fail to understand as to why this court's precious time should be wasted by the regional passport officer by forcing parties, like the petitioner, to approach this court and seek a direction of such nature. The passport officer must realise that it is his obligation and duty to consider the application. The applications, as made online, or presented physically, have all to be considered," observed the bench.

Agarwal's lawyer, Vivek Kantawala, informed the court that the passport was cancelled without giving his client a hearing.

Agarwal is a businessman who travels often – substantiated by the numerous visa stamps on his previous passport. He had applied for a renewal of his passport well before its expiry date of July 2014, and was

provided with the same in 2013. However, when he approached the passport office to correct his birth date, which showed that he was a year younger than he was, the passport office cancelled his passport saying that Agarwal had failed to disclose a case that had been filed against him by his wife. Agarwal, in his petition, had said that the disclosure of the case was not held relevant by him as it was filed after he had already received his renewed passport.

When the court inquired from the passport office about the compliance of the sections pertaining to the issuance of passports/travel documents, which mandate an order, the passport authorities had no reply. The court then issued a warning to the authorities, directing them to pass an order on Agarwal's application by

January 11.

Asking the passport officers to treat online as well as regular applications at the same level, the court observed that the rules laid down under the Passport Act 1967 should be followed properly.

"If the passport officer is satisfied after the enquiries that are required to be made that the passport must be issued with or without endorsement or should be refused, has to pass a reasoned order. Hereafter, if applications of the above nature are kept pending without any orders being passed forcing parties to approach this court, then, we would take a serious view of the conduct of the Regional Passport Officer concerned and while allowing the request we would impose heavy costs to be paid personally by the Regional Passport Officer," the bench added.