

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2022/2026.

Naeem Akhter Andrabi.

...Applicant(s)/Petitioner(s)

Through: Mr. Altaf Haqani, Senior Advocate with
Ms. Muneeba, Advocate.

VERSUS

Union of India & Ors.

...Respondent(s)

Through: Mr. T. M. Shamsi, DSGI with
Mr. Faizan Ahmad Ganaie, Advocate.
Ms. Bisma Ali, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
19.08.2026

1. The present writ petition upon being taken up was intended to be disposed of at its very inception stage considering the text and context of communication dated **21.05.2026** issued by the Regional Passport Officer, Srinagar, to the petitioner, whereby the petitioner was required to submit a suitable explanation along with relevant supporting documents within thirty days from the date of the said communication, failing which the petitioner's file seeking issuance of passport was liable to be closed without any further notice.
2. The petitioner comes forth with this writ petition being aggrieved that having applied for an Indian passport and having completed

all formalities from his end, the requisite passport has not been issued.

3. The petitioner was purportedly afforded an opportunity to explain his position vis-à-vis certain adverse police verification reports. However, according to the petitioner, he was and continues to be not privy to the contents of the said reports and, therefore, was not in a position to know as to what explanation was required to be tendered from his end before the Regional Passport Officer, Srinagar.
4. A citizen of India is presumed to be innocent unless proved guilty in accordance with law and, therefore, cannot reasonably be expected to furnish an effective explanation w.r.t. his credentials and antecedents without being apprised of the material sought to be relied upon against him.
5. The communication issued by the Regional Passport Officer, Srinagar does not even reserve an opportunity in favour of the petitioner that upon his attending the office within the stipulated period of thirty days, the contents of the objectionable/adverse police verification reports were to be disclosed to him for the purpose of enabling him to come up with the suitable explanation as desired by the Regional Passport Officer, Srinagar.
6. The impugned communication, therefore, *prima facie* fails to meet the very essence of a fair administrative course of action or

decision under the rule of law which governs this country. The rule of law is, in other words, the rule of reason, which this Court does not prima facie find reflected in the impugned communication.

7. Nevertheless, Mr. T. M. Shamsi, learned DSGI appearing on behalf of the respondents, submits that, as on date, if this Court directs the petitioner to present himself before the Regional Passport Officer, Srinagar in connection with submission of a suitable explanation subject to disclosure of information by the Regional Passport Officer, Srinagar, the file relating to issuance of passport in favour of the petitioner may already have been closed and may not readily be available for revival or for passing fresh orders thereupon.
8. This Court has no hesitation in observing that this cannot be the scenario which Mr. T. M. Shamsi, learned DSGI appearing on behalf of the respondents, intends to put before this Court, for in the event of the writ petition being allowed on merits, even then, same very application of the petitioner would necessarily be required to be revived and considered afresh in accordance with law.
9. This Court calls upon Mr. T. M. Shamsi, learned DSGI appearing on behalf of the respondents to come up with instructions on this aspect.

10. Mr. T. M. Shamsi, learned DSGI appearing on behalf of the respondents is directed to come along with the entire file relating to the petitioner's application.
11. This Court further directs the Regional Passport Officer, Srinagar, to remain present in person in order to answer certain queries of this Court, as this Court sees a possibility of disposal of the writ petition without adjudication on merits.
12. List on **21.08.2026**.
13. A copy of this order be provided to Ms. Bisma Ali, learned Assisting Counsel to Mr. T. M. Shamsi, learned DSGI appearing on behalf of the respondents for the sake of notice and compliance.

SRINAGAR
19.08.2026
Bisma Jan.

(RAHUL BHARTI)
JUDGE

