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**HIGH COURT OF JAMMU AND KASHMIR**  
**AT SRINAGAR**  
**(Through Video Conference)**

LPA No.50/2021  
 CM No.2017/2021  
 Caveat No.494/2021

**Mehbooba Mufti**

.....Appellant(s)

Through :- Mr. Jahangir Iqbal Ganie, Senior  
 Advocate with Ms. Humaira Shafi,  
 Advocate.

V/s

**Union of India and Others**

.....Respondent(s)

Through :- Mr. Tahir Majid Shamsi, ASGI for  
 the Caveators/respondent Nos.  
 1&4.  
 Ms. Saba Gulzar, Advocate vice  
 Mr. B.A Dar, Sr. AAG for the  
 respondent Nos. 2, 3&5.

**Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE**  
**HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE**

**ORDER**

**Caveat No.494/2021**

With the appearance of Mr. Tahir Majid Shamsi, learned Assistant Solicitor General of India, Caveat stands discharged.

**LPA No.50/2021, CM No.2017/2021**

1. Notice.
2. Mr. Tahir Majid Shamsi, learned Assistant Solicitor General of India accepts notice on behalf of respondent Nos. 1&4 and Ms. Saba Gulzar assisting counsel to Mr. B.A Dar, learned Sr. AAG accepts notice on behalf of the respondent Nos. 2, 3 & 5.

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3. Instant intra court appeal has been filed by the appellant against the order impugned dated 29<sup>th</sup> of March, 2021 passed by learned writ Court in **WP(C) No.382/2021**, title **“Mehbooba Mufti Vs. Union of India and Others”**.

4. It is contended that the writ petitioner, appellant herein submitted an application for issuance of passport in her favour before respondent No.4 i.e., the Passport Officer, Regional Passport Office, Srinagar. However, despite lapse of several months, the request of the appellant was not acceded to by the aforesaid passport authority, which forced the appellant to file writ petition bearing WP(C) No.383/2021 before the writ Court.

5. It is submitted that the Additional Director General of Police, CID, J&K/respondent No.3 has forwarded a report/ Police Verification Report (PVR) to the office of Regional Passport Officer, Srinagar on 18<sup>th</sup> of March, 2021 and on the basis of the report so submitted, the respondent No.4 issued a communication dated 26<sup>th</sup> of March, 2021. For facility of reference, it would be appropriate to reproduce the relevant portion of communication dated 26<sup>th</sup> of March, 2021 hereunder:

“This has reference to your passport file No.SG1065057682420 dated 14<sup>th</sup> of December, 2020. In this regard it is to intimate as under:

- Whereas your fresh passport application was received on 14<sup>th</sup> of December, 2020 and as per norms forwarded for Police Verification Report (PVR) on the same date, online mode;
- Whereas Clear Police Verification Report (PVR) in favour of all passport applicant belongs to J&K is mandatory and J&K CID, is the Nodal Agency in this regard;
- Whereas the PVR received from Addl. Director General of Police, J&K-CID do not favour issuance, of passport and returned as **"NOT RECOMMENDED**

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**PASSPORT CASE"**, vide No.CID/Final/21/017558-017559 dated 18<sup>th</sup> of March, 2021; and

- In view of the J&K CID report, your case was found to attract refusal under provisions of section 6(2)(c) of the Passport Act, 1967.

In light of the above, your application for issuance of passport is **Refused.**"

6. The aforesaid report was also produced by Mr. Shamsi, learned ASGI before the writ Court.

7. After considering the arguments, submissions advanced by learned counsel for the parties and perusal of the writ record, the learned Single Judge dismissed the writ petition. The dismissal of the writ petition forced the writ petitioner, appellant herein to knock portal of this Court by filing the present appeal questioning order impugned dated 29<sup>th</sup> of March, 2021 on the strength of the grounds taken therein.

8. Mr. Jahangir Iqbal Ganie, learned senior counsel appearing for the appellant at the very outset submits that the appellant can avail the remedy available to her under the Scheme, however because of the certain observations made by learned Single Judge in order/judgment dated 29<sup>th</sup> of March, 2021, the appellant left with no other option but to file the present appeal.

9. It is further submitted by learned senior counsel that the appellant would feel satisfied in case this appeal is, disposed of, by giving liberty to her for approaching the appropriate authority to avail the proper remedy under the Scheme, if the respondents shall consider the same un-influenced by the observations made in the judgment impugned dated 29<sup>th</sup> of March, 2021. Learned counsel appearing for the respondents are not averse to the proposal put-forth by Mr. Jahangir Iqbal Ganie, learned senior counsel.

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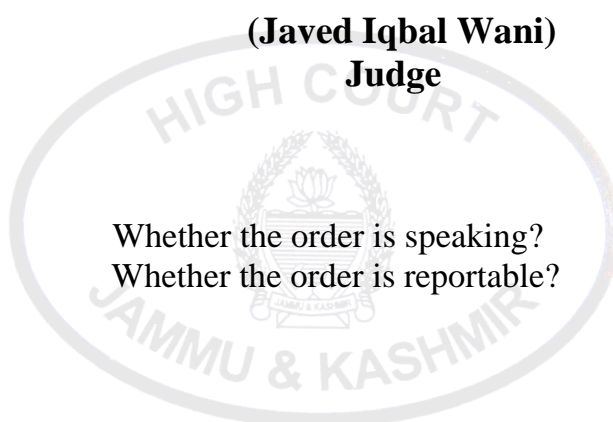
**10.** In view of the stand taken by learned counsel for the parties and with their consensus, this appeal is, disposed of, by providing liberty to the appellant to approach the appropriate authority to avail the proper remedy available to her under the Scheme. On receipt of the appeal, the authority concerned shall consider and decide the same on its merits, strictly under rules, regulations and the provisions of the Act, that too un-influenced by the observations made in the judgment impugned dated 29<sup>th</sup> of March, 2021. Needless to state that this Court has not expressed any opinion on the merits of the case.

**11.** Disposed of as above along with connected CM.

SRINAGAR  
09.04.2021  
*Surinder*

(Javed Iqbal Wani)  
Judge

(Tashi Rabstan)  
Judge



Whether the order is speaking?  
Whether the order is reportable?

Yes/No  
Yes/No

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