

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:07.09.2015

Coram

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.8148 of 2014

Arumugam Manenthiappan

.. Petitioner

vs.

1.The Regional Passport Officer,
The Regional Passport Office,
No.25, AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore-641 014

2.State, rep.by
Sub-Inspector of Police,
City Crime Branch,
Coimbatore P.S.(Crime No.13/2005) ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent herein to consider the application of the petitioner herein in File No.CB1071960272313, dated 26.4.2013 and re-issue the passport.

For Petitioner : Mr.G.Karthikeyan

For respondents : Mr.N.Sakthivel for R2
No appearance for R1

ORDER

The petitioner is involved in a criminal case and the proceedings is now pending before the Judicial Magistrate Court, No.VI, Coimbatore, in C.C.No.783 of 2005. The petitioner earlier obtained permission from the trial Court to visit a Foreign country and pursuant to the orders so passed, he was given passport by the first respondent.

2. The petitioner submitted an application for renewal of passport on 26.4.2013. Since the application was not processed by the first respondent, the petitioner is before this Court.

3. The first respondent filed a counter affidavit, wherein it was indicated that the petitioner's request for renewal of

passport cannot be considered, in view of the pendency of criminal case.

5. There is no dispute that the petitioner is involved in a criminal case and the matter is now pending before the Judicial Magistrate No.VI, Coimbatore, in C.C.No.783 of 2005. The first respondent filed a counter affidavit indicating that the petitioner earlier filed an application before the trial Court and obtained permission for his renewal of passport. Subsequently, without obtaining permission from the trial Court, the petitioner made an application before the first respondent for renewal of his passport. The counter affidavit filed by the first respondent gives a clear indication that the application would be processed only after getting clearance from the trial Court.

6. The petitioner is given liberty to approach the Judicial Magistrate No.VI, Coimbatore, seeking permission to visit Foreign country along with details with respect to the visit. The application submitted by the petitioner for renewal of passport would be considered by the Regional Passport Officer, Coimbatore, depending upon the orders to be passed by the Judicial Magistrate No.VI, Coimbatore. In case, the Judicial Magistrate grants permission to the petitioner to go abroad, necessarily the application for renewal of passport should be considered and disposed of by the first respondent as expeditiously as possible.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

msk

To

1.The Regional Passport Officer,
The Regional Passport Office,
No.25, AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore-641 014

2.The Sub-Inspector of Police,
City Crime Branch,
Coimbatore P.S.

+1 cc to Mr.G.Karthikeyan, Advocate, sr.48883.

svi co, kra 14/9

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