

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

The Hon'ble Mr.Justice P.N.Prakash

W.P.No. 33142 of 2014

Santhosh Reddy Perumalswamy

.. Petitioner

Vs.

Regional Passport Officer,
Regional Passport Office,
Passport Seva Kendra,
Aminjikarai, Navins Presidium,
No.103, Nelson Manickam Road,
Aminjikarai, Chennai - 600 029.

.. Respondent

Prayer : This writ petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondent to reissue petitioner passport bearing No.G8685484 with additional pages within the time prescribed by this Honourable Court.

For Petitioner : Mr. P.Chandrasekar

For Respondent : Mr.D.Simon,

Central Government Standing Counsel

O R D E R

This writ petition has been filed to re-issue the petitioner's passport bearing No.G8685484 with the additional pages within the time prescribed by this court.

2. Heard Mr.P.Chandrasekar, learned counsel appearing for the petitioner and Mr.D.Simon, learned counsel appearing for the respondent.

3. It is seen that this petitioner is a holder of Indian passport bearing No.G8685484. It is valid till 29.5.2018. The petitioner seems to have been made application to the passport authorities for including the name of his wife in the said passport and also for additional papers with change of address. In the Application Form dated 13.10.2014, given by the petitioner, he has stated as follows :

"..I have not been charged with criminal proceedings nor is there any arrest warrant or summon pending before any Court of Law in India against me.

.. During the 5 years immediately preceding the date of this application, I have not been convicted by any Court of Law in India for any criminal offence and sentenced to imprisonment for two

years or more."

Passport authorities called for police report and after receiving adverse police report, they issued a show cause notice dated 18.11.2014 to the petitioner asking him to give certain clarifications. In response to the said notice, the petitioner sent his clarification letter dated 05.12.2014. Thereafter, the passport authorities called for further report from the police and it appears that there is one another case in C.C.No.27/137 pending against the petitioner before the criminal court. The Deputy Passport Officer, who has filed counter affidavit, has stated in para 7 as follows :

"I further submit that based on applicant's explanation, re-verification was sent to Commissioner of Police, Chennai. Again this office had received adverse report from the police authorities with remarks "Two Criminal cases 1) Cr.No.449/12 taken on file in C.C.No.27/13 and 2) Cr.No.1271/12 taken on file in C.C.No. P.R.C.No.7/13 is pending trial before the Court of Law". Since the petitioner action attracts the provisions of section 6(2)(f) of passports Act, 1967, second show cause notice vide reference No.SCN3026609801/15 for possible refusal of passport facilities was issued to the petitioner, but the petitioner had not responded to the show cause notice till now for the reasons best known to him".

4. From the above, it appears that a second show cause notice in SCN.302669801/15 has been issued to the petitioner calling for his explanation. The learned counsel for the petitioner submits that the petitioner has not received the said show cause notice. It is of course, reported by the learned counsel appearing for the respondent.

5. In the said circumstances, the passport officer is directed to serve the challenged show cause notice under due acknowledgment on the petitioner within two weeks from the date of receipt of a copy of this order and the petitioner is directed to give his explanation. Thereafter, the passport authorities may pass orders accordance with law.

6. With the above directions, this writ petition is closed.

Sd/-

Assistant Registrar

True Copy

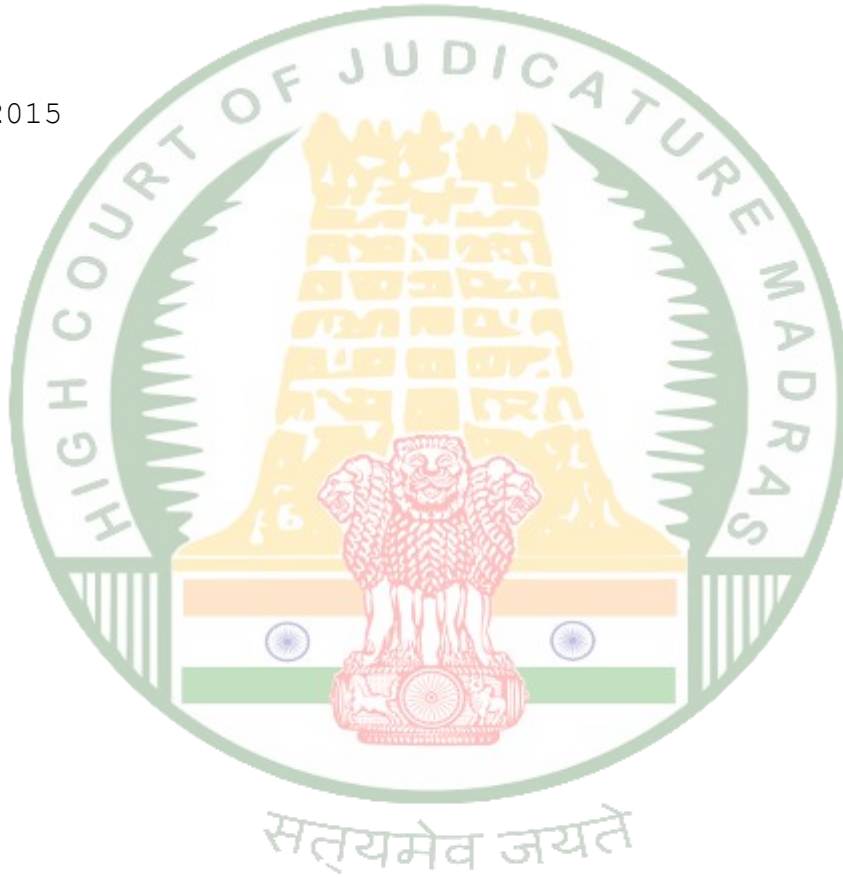
Sub Assistant Registrar

To

Regional Passport Officer,
Regional Passport Office,
Passport Seva Kendra,
Aminjikarai, Navins Presidium,
No.103, Nelson Manickam Road,
Aminjikarai, Chennai - 600 029.

CRL.O.P.No.33142 of 2015

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