

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27/11/2015

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

Writ petition No.20507 of 2013

Kaja Mohideen Abdul Shukoor

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Royala Tower,
No.2 & 3 IV Floor, Old No.785, New No.158,
Anna Salai,
Chennai-600 002.
 - 2.The Inspector of Police,
K1, Sembium Police Station,
Chennai City.
- ... Respondents

Prayer: The writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus directing the second respondent herein to call for the records pertaining to the order passed by the first respondent herein in his proceedings MA2071470384012, Letter Ref.No.SCN/10203417/12 dated 03.08.2012 and quash the same and consequently direct the first respondent herein to reissue the petitioner's passport within a time frame.

For Petitioners : Mr.A.Sikkandar

For Respondents : Mr.J.Madanagopal Rao,
SCGSC for R1

Mr.R.A.S.Senthilvel, AGP for R2

O R D E R

The petitioner was issued passport in the year 2009. Thereafter, the petitioner was asked to go for an enquiry on the ground that adverse remarks were made against him, as he was allegedly involved in a criminal case registered in Crime No.2107 of 2005 under Section 285 I.P.C. R/w 3 & 4 of Lubrication and Grease Processing of supply and Distribution Order 1987, r/w 71 a Cl.(ii) of E.C. Act 1955 and 17 of TNK (RT) Order 1973. Though the petitioner was called for an enquiry and he gave his reply, till now, no further action has been taken.

2. A perusal of the documents would show that the alleged offence was of the year 2005. It is also seen from the

report given by the Intelligence Section dated 13.7.2014 that the case is still pending in the very same stage for want of chemical report. Therefore, this Court is of the view that it is totally unfair to cancel the passport issued to the petitioner at this stage. There is absolutely no progress in the criminal case registered against the petitioner and the same is pending from 2005 onwards. Neither any warrant nor any trial is pending against the petitioner leading to a circumstance, where he might escape from the clutches of law.

3. The petitioner has suffered sufficiently by handing over the passport to the respondent in the year 2012. More than three years have lapsed till now. Considering the above, the impugned order is set aside and the first respondent is directed to hand over the passport to the petitioner within two weeks from the date of the receipt of a copy of the order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently the connected M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Regional Passport Officer,
Royala Tower,
No.2 & 3 IV Floor, Old No.785, New No.158,
Anna Salai,
Chennai-600 002.
- 2.The Inspector of Police,
K1, Sembium Police Station,
Chennai City.

+2ccs to Mr.A.Sikkandar, Advocate, S.R.No.65009
+1cc to Mr.J.Madanagopal Rao, Advocate, S.R.No.64940

gg(CO)
kra 02/12/2015)

W.P.No.20507 of 2013