

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27485 of 2014
and M.P.No.1 of 2014

R.Balasubramaniam .. Petitioner

Vs.

1.The Regional Passport Officer
Office of the Regional Passport Officer
Rayala Towers,
Mount Road,
Chennai - 600 002.

2.Central Bureau of Investigation,
Bank Securities and Frauds Cell,
Ganga Nagar,
36 Bellary Road
Bangalore - 560 032. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein to receive the passport application for renewal and process the same within a stipulated time.

For Petitioner : Mr.S.Ramachandran

For Respondents : Ms.R.Maheswari
Central Government Standing Counsel [R1]
No appearance [R2]

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O R D E R

Heard Mr.S.Ramachandran, learned counsel for the petitioner, Ms.R.Maheswari, learned Senior Central Government Standing Counsel for first respondent.

2.The petitioner filed this Writ Petition seeking for a direction to the first respondent to accept his passport for renewal of the same. The grievance of the petitioner is that the first respondent

is refusing to receive the passport and insisting upon the Court order.

3. From the records, it is seen that the petitioner has earlier approached this Court, by filing W.P. No.8948 of 2014, wherein the prayer was made to direct the Regional Passport Officer, Chennai, to issue a fresh passport as per his application dated 05.03.2013. This Court after hearing the submissions of the learned counsel for the parties, disposed of the Writ Petition by order dated 12.06.2013 and the operative portion of the order reads as follows :

7. The first respondent is the authority to issue Passport. The petitioner was earlier given a Passport. The petitioner wanted a new passport to him in view of the damaged condition of the earlier Passport issued by the Regional Passport Officer, Chennai and validated by the High Commission of India, Singapore.
8. The application submitted by the petitioner for issuance of fresh Passport requires to be considered by the first respondent on merits and as per law. The registration of criminal case against the petitioner cannot be a reason to deny Passport to him. In a matter of this, the Court has to strike the balance between the right of the citizen to travel and the need of prosecution to ensure the presence of the accused to stand trial.
9. The first respondent is directed to consider and dispose of the application submitted by the petitioner for issuance of fresh Passport with extra sheets. The first respondent is further directed not to release the Passport to the petitioner. The new Passport to be issued by the first respondent should be deposited with the XI Additional CBI Court, Chennai to the credit of C.C.No.34 of 2005. It is open to the petitioner to file appropriate application before the learned CBI Judge for handing over the Passport or for permission to go abroad and in case of making any such application, the same will be decided by the CBI Court on merits and as per law at an early date.

4. It is submitted by the learned counsel for the petitioner that in pursuant to the directions issued, the respondents have complied with the said order and the passport was renewed for one year and deposited with the Special Court with a liberty to the petitioner to approach the XI Additional CBI Court, Chennai and seek for the return of the passport.

5. In the light of the above, there will be a similar direction in this case for the current renewal also and the first respondent is directed to consider and dispose of the application submitted by the petitioner for issuance of fresh Passport with extra sheets. The first respondent is further directed not to release the Passport to the petitioner. The new Passport to be issued by the first respondent should be deposited with the XI Additional CBI Court, Chennai to the credit of C.C.No.34 of 2005. It is open to the petitioner to file appropriate application before the learned CBI Judge for handing over the Passport or for permission to go abroad and in case of making any such application, the same will be decided by the CBI Court on merits and as per law at an early date.

6. The writ petition is disposed of with the above direction. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

glp/ds

To

1. The Regional Passport Officer
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Rayala Towers,
Mount Road,
Chennai - 600 002.

2. Central Bureau of Investigation,
Bank Securities and Frauds Cell,
Ganga Nagar,
36 Bellary Road
Bangalore - 560 032.

+1cc to Ms.R.Mahesari, Advocate SR.No.15730

+1cc to Mr.S.Ramachandran, Advocate SR.No.15676

W.P.No.27485 of 2014

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gp/24.3.