

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.3.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP. No.5694 of 2015

Gopal Sankar

... Petitioner

Vs.

1. The Regional Passport Officer
Government of India
Ministry of External Affairs
4th Floor, Tower III
No.158, Anna Salai
Chennai - 600 002

2. The State of Tamil Nadu
Rep.by Deputy Superintendent of Police
Central Bureau of Investigation
Economic Offences Wing,
Chennai

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to renew the passport in the name of the petitioner forthwith and grant such other relief.

For Petitioner : Mr.R.Rajarajan

For R1 : Mr.B.Manoharan

For R2 : Mr.R.Vijayakumar
Additional Government Pleader

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O R D E R

Heard Mr.R.Rajarajan, learned counsel for the petitioner and Mr.B.Manoharan, learned standing counsel appearing for the first respondent and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the second respondent and perused the materials placed on record.

2. The petitioner seeks for a direction upon the first respondent to renew his passport.

3. The first respondent did not effect renewal of the Passport based on the adverse report given by the second respondent stating that a criminal case is pending against the petitioner in C.C.No.13942 of 2005 on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai. The petitioner has filed a petition under Section 439 (1) (b) of the Code of Criminal Procedure, 1973 in CrI.MP.No.1299 of 2014 seeking for permission to go to Canada to enable him to see his mother-in-law. The criminal Court, after hearing the petitioner's counsel and the learned Public Prosecutor for the complainant, by order dated 19.12.2014 granted permission to the petitioner, subject to the condition that he shall return to India after the purpose is over in Canada and his counsel was directed to file petition under Section 317 of the Code of Criminal Procedure 1973, to condone the absence of the petitioner. This order passed by the Criminal Court was also communicated to the first respondent.

3. The learned standing counsel, on instructions, submitted that the order passed by the Criminal Court is taken note of and the first respondent is awaiting police report.

4. Since the petitioner has to appear before the High Commission of Canada in New Delhi on 30.3.2015, the first respondent is directed to consider the petitioner's case for renewal of Passport by calling for the report from the concerned police immediately and pass necessary orders on or before 25.3.2015.

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

Sd/-

Asst.Registrar (CS II)

/true copy/ सत्यमेव जयते

Sub Asst. Registrar

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To

1. The Regional Passport Officer
Government of India
Ministry of External Affairs
4th Floor, Tower III
No.158, Anna Salai
Chennai - 600 002

2. The Deputy Superintendent of Police
Central Bureau of Investigation
Economic Offences Wing,
Chennai

1 cc to Mr.G. Rajan, SR. 14865
1 cc to Mr.B.Manoharan, Sr. 14919

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