



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2015

Coram

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU**

**W.P. (MD) No.1138 of 2014  
and MP(MD) .No.1 & 2/2014**

Rev.Fr.M.Devadoss,  
Provincial  
Jesuit Madurai Province  
St. Mary's HS School, Dindigul  
(presently) Superior  
Beschi Campus Seminary and Training Centre  
P.O.Box.90, Karur Road,  
Dindigul-624 001. : Petitioner

vs.

- 1.The Inspector of Police,  
All Women Police Station, Fort,  
Trichy, Trichy District.
- 2.The Regional Passport Officer,  
Regional Passport Office, Madurai,  
Bharathi Ula Veethi  
Race Course Road,  
Madurai District-625 002. : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice issued by the 2nd respondent regional passport officer, Madurai in Ref.No.SCN/300917643/13 dated 28.11.2013, quash the same and further direct the 2nd respondent to renew forthwith the petitioner's passport bearing No.Z.1455670 on the file of the 2nd respondent office in MD 1071058234313 and pass such further or other suitable order orders as this Hon'ble Court.

For Petitioner : Mr.Issac Mohanlal

For Respondents : Mr.D.Muruganandam

Additional Government Pleader for R-1

Mr.O.Ayyar

Central Government Standing counsel for R-2

### **O R D E R**

The petitioner is aggrieved against the notice issued by the second respondent, dated 28.11.2013 and consequently seeks for a



direction to the second respondent to renew the passport of the petitioner bearing No.Z.1455670.

2. Heard Mr.Issac Mohanlal, learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the second respondent, who issued the impugned notice and perused the materials placed before this Court.

3.Though the learned counsel appearing for the petitioner made an elaborate submission justifying the prayer seeking for a direction to renew the passport of the petitioner, this Court, at this stage, is not inclined to go into those submissions, in view of the fact that the present impugned proceedings is only a notice calling upon the petitioner to provide suitable explanation by raising certain queries/lapses against the claim of the petitioner seeking for renewal of the passport. According to the learned counsel for the petitioner, the lapses referred to in the show-cause notice, are not sustainable. It is also submitted by him that in pursuant to such notice issued by the second respondent, the petitioner has made his reply on 23.12.2013 and even thereafter, the respondent has not renewed the passport.

4. Per contra, the learned counsel appearing for the second respondent submitted that the impugned notice was issued to the petitioner pointing out two lapses and therefore, it is for the petitioner to give explanation to the said notice. Apart from saying so, it is also contended by the learned counsel appearing for the second respondent that the petitioner has suppressed certain facts with regard to the criminal case pending against him, more particularly, with regard to the relevant IPC provisions in his renewal application.

5. To the said submissions, the learned counsel appearing for the petitioner stated that there is no suppression, as the petitioner herein has not been specifically complained or charged in respect of the offence under Section 376 I.P.C. Therefore, the learned counsel appearing for the petitioner submitted that the petitioner has correctly given the details of IPC offence as '506 (ii) IPC' in the application and consequently there is no suppression of any material facts.

6. As the petitioner has already made his explanation to the notice issued by the second respondent, which is impugned in the present writ petition, this Court at this stage, is not inclined to go into the rival contentions, as it is for the second respondent to consider the explanation and pass orders on the application filed by the petitioner, seeking for renewal of the passport. As far as pendency of the criminal case is concerned, the learned counsel appearing for the petitioner submitted that this Court in M.P.(MD).No.1 of 2013 in CrI.O.P.(MD).No.12125 of



2010, dated 03.06.2013, directed the return of the passport to the petitioner temporarily for the purpose of renewal with a further direction to deposit the same before the criminal court within one week from the date of renewal of the passport. Therefore, he submitted that the second respondent is not justified in citing the pendency of the criminal case as a reason for refusing to renew the passport.

7. Needless to say that while considering the application made by the petitioner dated 11.06.2013, the second respondent should also take note of the order of this Court dated 03.06.2013, made in CrI.O.P.(MD).NO.12125 of 2010 and pass orders accordingly on the renewal application. Thus, this writ petition is disposed of with a direction to the second respondent to pass orders on the renewal application, based on the explanation given by the petitioner dated 23.12.2013 and also in the light of the order passed in M.P.(MD).No.1 of 2013 in CrI.O.P.(MD).No.12125 of 2010, dated 03.06.2013. It is open to the petitioner to place further materials before the second respondent in support of his application seeking for renewal within a period of two weeks from the date of receipt of a copy of this order. On receipt of such materials, the second respondent shall consider the renewal application and pass orders on the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition M.P.(MD).Nos.1 and 2 of 2014 are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,  
All Women Police Station, Fort,  
Trichy, Trichy District.
  - 2.The Regional Passport Officer,  
Regional Passport Office, Madurai,  
Bharathi Ula Veethi  
Race Course Road, Madurai District-625 002.
- +1cc to Mr.Isaac Mohanlal, Advocate Sr.No.67878  
+1cc to Mr.O.Ayyar, Advocate Sr.No.67425  
+1cc to Spl.Government pleader Sr.No.67672

vs

AA/GSV-PM/AR-I/01.12.2015/3p-6c