

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09-08-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition Nos.19532 and 19533 of 2014

Subha Ravi .. Petitioner in W.P.No.19532 of 2014
A. Ravi .. Petitioner in W.P.No.19533 of 2014

Versus

The Union of India
represented by the
Regional Passport Officer
Coimbatore Regional Passport Office
1st Floor, Corporation Commercial Complex
Opp. To Thandumariamman Kovil
Avinashi Road, Coimbatore - 641 018.

.. Respondent in both the writ petitions

Prayer in W.P.No.19532 of 2014: Petition is filed seeking for a Writ of Mandamus directing the respondent to issue passport to the petitioner on his passport application file No.CB 1067192749513, dated 5.9.2013.

Prayer in W.P.No.19533 of 2014: Petition is filed seeking for a Writ of Mandamus directing the respondent to issue passport to the petitioner on his passport application file No.CB 1077192753913, dated 5.9.2013.

For Petitioner : Mr.V. Manisekaran

For Respondent : Mr.B.Rabu Manohar
SCGSC

COMMON ORDER

Both the above writ petitions have been taken up for hearing, together, as the issues arising in the writ petitions are common in nature, and disposed of, by way of a common order.

2. The writ petition, in W.P.No.19532 of 2014, had been filed by one Subha Ravi, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondent to issue a

passport to the petitioner, based on her application, dated 5.9.2013, in application file No.CB 1067192749513.

3. The writ petition, in W.P.No.19533 of 2014, had been filed by one A.Ravi, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondent to issue a passport to the petitioner, based on his application, dated 5.9.2013, in application file No.CB 1077192753913.

4. The petitioners have stated that they had submitted the applications for obtaining the passport in their favour, however, the respondent had not processed the applications submitted by the petitioners, for the issuance of the passports, stating that they had found, on police verification, that certain criminal cases were pending against them. Therefore, the petitioners have preferred the above writ petitions, under Article 226 of the constitution of India.

5. Counter affidavits have been filed, on behalf of the respondent, in respect of the writ petition filed by Subha Ravi. It has been stated that certain criminal cases are pending against her, in Cr.No.369 of 2012, for the offences under Sections 294(b), 504, 499, 188 and 506(i) of the Indian Penal Code and in Cr.No.370 of 2013, for the offences under Sections 143, 341, 353, 188 and 506(i) of the Indian Penal Code.

6. It has also been stated that the applicants had suppressed the information required by the respondent about the pendency of the criminal cases. In spite of several reminders sent to the petitioner, there was no response from her and therefore, the application had been closed, asking her to apply afresh, for the grant of the passport, by way of a letter, dated 8.8.2014.

7. With regard to the writ petition filed by A.Ravi, the husband of Mrs.Subha Ravi, it has been stated, in the counter affidavit filed by the respondent, that a criminal case is pending against him, in Cr. No.370 of 2013, for the offences under Sections 143, 341, 353, 188 and 506(i) of I.P.C. on the file of the Thalaivasal Police Station, Salem District.

8. The petitioners had not disclosed the pendency of the said criminal cases in their applications, for the issuance of the passports, in their favour.

9. The learned counsel, appearing on behalf of the respondent had further submitted that, both the applications filed by Subha Ravi and Ravi, the husband of Subha Ravi, had been closed, as there was no response from them, for the communications sent by the respondent.

10. He had further submitted that, it would be open to the petitioners, to submit the applications to the respondent for the grant of the passports in their favour, afresh, by disclosing the facts, regarding the pendency of the criminal cases, by furnishing the necessary documents, including, the 'No Objection Certificate', from the court concerned, before which the criminal cases are pending.

11. In view of the averments made in the counter affidavit filed on behalf of the respondent, and in view of the submissions made by the learned counsel, appearing on behalf of the respondent, this Court is of the considered view that the reliefs prayed for by the petitioners, in the above writ petitions, cannot be granted, at this stage. Hence, the writ petitions stand dismissed. However, it would be open to the petitioners to submit the applications to the respondent, for the issuance of the passports, in their favour, afresh, along with relevant documents, including the 'No Objection Certificate' from the court concerned. On receipt of such applications, the respondent shall pass appropriate orders thereon, on merits and in accordance with law, as expeditiously as possible. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

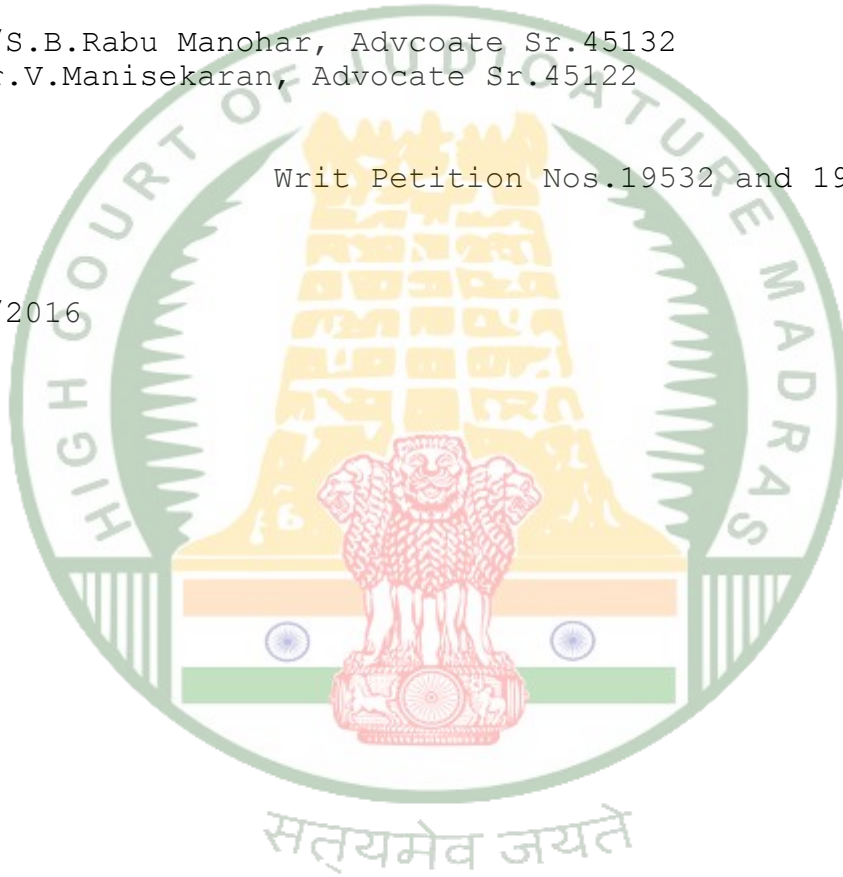
To

Regional Passport Officer, The Union of India,
Coimbatore Regional Passport Office,
1st Floor, Corporation Commercial Complex,
Opp. To Thandumariamman Kovil,
Avinashi Road, Coimbatore - 641 018.

+lcc to M/S.B.Rabu Manohar, Advocate Sr.45132
+lcc to Mr.V.Manisekaran, Advocate Sr.45122

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srg 02/09/2016



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