

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.2380 of 2016

P.Elamurugu

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office, Chennai,
Royala Towers No.2 & 3, Fourth Floor,
Old No.785, New No.158, Anna Salai,
Chennai-600 002.

2.The Commissioner of Police,
Greater Chennai,
132, EVK Sampath Salai,
Vepery, Chennai-7.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the passport application of the petitioner for renewal vide file No.MA-1078217863915, dated 14.01.2015 and to issue passport to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.Adi Narayana Rao

For respondents : Mrs.G.Hema (For R1)
Mrs.P.Rajalakshmi, GA (For R2)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the passport application of the petitioner for renewal vide file No.MA-1078217863915, dated 14.01.2015 and to issue passport to the petitioner within a time frame.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1.The petitioner is an M.B.A., graduate and he was working as Human Resources Manager in M/s.Syrma Technologies

(ITES) Division Madras Export Processing Zone, Tambaram Sanatorium, Chennai. He was holding passport from the year 1994 bearing Passport No.S794955, dated 20.07.1994 and he has also travelled to Sultanate of Oman (Muscat). On expiry of his passport, the same was renewed by the 1st respondent, who issued fresh passport bearing No.F-2883062, dated 06.05.2005, which was due to expire on 05.05.2015. Hence, the petitioner applied for renewal of his passport on 14.01.2015 and he was issued with a file reference No.MA1078217863915 for following the fresh passport to be issued. The petitioner had also handed over his earlier passport and records to the 1st respondent as per procedure to get new passport as his earlier passport was about to expire.

2-2.After submission of all the records as per the usual procedure, the 1st respondent seems to have requested the 2nd respondent office to carry police verification and subsequently, the petitioner was informed vide letter dated 16.04.2015 bearing Reference No.SCN302586665/15 to explain regarding the criminal case bearing Crime No.13/2008 on the file of the Central Crime Branch, Chennai.

2-3.Immediately, the petitioner gave a reply to the 1st respondent by way of explanation dated 30.04.2015 and also sent a copy of explanation along with all the documents to the 1st respondent. Subsequently, on 14.05.2015, the petitioner had personally appeared and explained the facts regarding the said criminal case. It is further stated by the petitioner that the said criminal case was filed in respect of a land dispute in the year 2008 and the petitioner has also obtained Anticipatory Bail in the said criminal case. In respect of the land dispute, civil cases are also pending between the parties. Hence, the petitioner had given explanation along with documents on 30.11.2015. He appeared before the 1st respondent on 14.05.2015 and gave all the records and explained the situation, for which the petitioner was assured that his passport would be reissued. But, till date, his passport was not issued. Hence, the petitioner has come forward with the present writ petition before this Court.

3.When the matter was taken up for consideration, the learned counsel for the petitioner submitted that citing the pendency of the criminal case, the 1st respondent is not considering the petitioner's application for renewal of his passport. In fact, the said criminal case is still in the FIR stage. Thus, he sought for a suitable direction to the respondents.

4.The learned standing counsel for the 1st respondent as well as the learned Government Advocate appearing for the 2nd respondent made their submissions, opposing the prayer of the petitioner.

5.Irrespective of the submissions made on either side, I am of opinion, as contended by the learned counsel for the petitioner, the criminal case registered against the petitioner is still in the FIR stage and the pendency of the FIR, cannot be a bar for considering the application of the petitioner for renewal of his passport. In the said criminal case, chargesheet has not been filed and cognizance has not been taken by the concerned Magistrate. Under such circumstances, I am of the opinion that it would be appropriate to direct the 1st respondent to consider the petitioner's application for renewal of his passport.

6.Accordingly, the 1st respondent is directed to consider the petitioner's application for renewal of passport and pass appropriate orders, by affording opportunity of personal hearing to the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Regional Passport Officer,
Regional Passport Office, Chennai,
Royala Towers No.2 & 3, Fourth Floor,
Old No.785, New No.158, Anna Salai,
Chennai-600 002.

2.The Commissioner of Police,
Greater Chennai,
132, EVK Sampath Salai,
Vepery, Chennai-7.

+1cc to Mr.G.Hema, Advocate, S.R.No.6816
+1cc to the Government Pleader, S.R.No.6896

W.P.No.2380 of 2016

sns(CO)
srg(16/03/2016)



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