

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2016

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27298 of 2016

S.Ranganathan

... Petitioner

Vs.

1.The Regional Passport Officer,
Passport Seva Kendra,
25, AGR Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore 641 014.

2.State of Tamil Nadu,
Represented by
Inspector of Police,
Namakkal Police Station,
Namakkal.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to renew the petitioner's passport applied under File No.CB1079438776716 dated 15.06.2016 within a time frame as fixed by this Court.

For Petitioner : Mr.P.R.Raman

For Respondents: No Appearance [R1]
Mr.R.Govindasamy,
Special Government Pleader [R2]

ORDER

The petitioner would state that the petitioner and along with others had started a Private limited company viz., M/s.Annam Feeds Pvt. Limited, which was incorporated in the year 1993 with the Registrar of Companies, Coimbatore and one R.Palanisamy was appointed as one of the Directors of the said company on 13.09.1993 and he ceased to be director of the company some time thereafter. The petitioner would further state that the said R.Palanisamy is also the brother-in-law of A.Subramani, who has also subscribed 1200 shares in the said

company and subsequently, A.Subramani was allotted 1200 shares and thus he was holding the total share of 2400 shares of the said company. Subsequently, difference of opinion arose, which resulted in filing of series of complaints and some of the complaints have been closed. The petitioner would further state that insofar as the FIR in Crime No.717 of 2014 registered by Namakkal Police Station, against the petitioner and others on the basis of the complaint given by A.Subramani, this Court vide order dated 25.09.2014 in CrI.O.P.No.26833 of 2014 had granted stay and subsequently, on 19.01.2015 had permitted the police to proceed with the investigation and also a direction to the police not to arrest the persons, which included the present writ petitioner. The petitioner on 14.06.2016, has submitted an application for renewal/reissue of passport to the first respondent and it was also acknowledged and vide endorsement dated 15.06.2016, the first respondent indicated that on securing the Court order only, passport can be issued and therefore, the petitioner came forward to file this writ petition.

2. The learned counsel appearing for the petitioner would submit that pendency of the criminal case is not an impediment for renewal/re-issuance of the passport and also placed reliance upon a judgment rendered by this Court in Mr.W.Jaihar William and others Vs. The State of Tamil Nadu, Rep. By its Secretary to Government, Home Department, Fort St. George, Chennai [(2014) 8 Mad LJ 61] as well as the order dated 03.07.2015 made in W.P.No.25232 of 2014 [B.Ranganathan Vs. The Regional Passport Officer].

3. Heard the submission of Mr.R.Govindasamy, learned Special Government Pleader, appearing for the second respondent also.

4. In Mr.W.Jaihar William and others Vs. The State of Tamil Nadu, Rep. By its Secretary to Government, Home Department, Fort St. George, Chennai [(2014) 8 Mad LJ 61] this court has taken into consideration the judgment in Mathumari Chinna Venkatareddy V. State of Andhra Pradesh [1994 Cri.L.J. 257] and held that unless the Judicial Magistrate takes cognizance of the offence on filing of charge sheet on completion of investigation, it cannot be said that the proceedings are pending before the Court and therefore, the third respondent viz., the Regional Passport Officer, Madurai cannot mechanically refuse to issue passport to the petitioners therein merely for the reason that FIRs are pending against the petitioners. In the considered opinion of this Court, the above said judgment is fully applicable to the facts of this case.

5. In the result, this Writ Petition is disposed of and the first respondent is directed to consider the renewal/re-issuance of passport of the petitioner under File No.CB1079438776716 in accordance with law in the light of the observations made in the above cited judgment and pass orders as expeditiously as possible not later than three weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Regional Passport Officer,
Passport Seva Kendra,
25, AGR Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore 641 014.

2.The Inspector of Police,
Namakkal Police Station,
Namakkal.

+1cc to Mr.P.R.Raman, Advocate Sr.47312

Writ Petition No.27298 of 2016

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srg 26/08/2016

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