

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.31226 of 2016 and
W.M.P.No.27095 of 2016

Kanagavalli

.. Petitioner

-Vs.-

The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai-2.

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to issue the renewal passport for the petitioner's Passport bearing No.F7663222 by processing the Petitioner's application in MA1079385702316.

For Petitioner : Mr.J.Ramesh

For Respondent : Mr.C.V.Ramachandramurthy,
Standing Counsel for Respondent

सत्यमेव जयते
O R D E R

The Writ Petition has been filed seeking to issue a writ of Mandamus, directing the respondent to issue the renewed passport for the petitioner's Passport bearing No.F7663222 by processing the Petitioner's application in MA1079385702316.

2. According to the petitioner, she is a senior citizen aged about 71 years. A criminal case has been foisted against her by the Inspector of Police, J.2 Adyar Police Station, Adyar, Chennai, on the basis of a

complaint given by her daughter-in-law's family for dowry harassment. The said case is now pending trial before the learned Special Mahila Judge at Chennai in S.C.No.552 of 2006. While so, the respondent had not issued the renewed passport to the petitioner, instead, issued a letter dated 05.08.2006 stating that as per system remarks, court case is pending and also directed to furnish permission from the court.

3. Further, according to the petitioner, on account of the pendency of the criminal case, the respondent had denied even giving additional paper book to her son's passport. Hence her son filed W.P.No.15725/2013 before this Court and this Court allowed the said Writ Petition by directing the respondent to issue the additional booklets to her son's passport so as to enable him to travel abroad for the purpose of his business. Further, the respondent had issued a show cause notice to her husband to surrender his passport and this Court by order dated 25.06.2015 in W.P.No.7021/2015 had quashed the show cause notice and directed the respondent to clear the passport of his husband Dr.P.T.Manoharan. Hence, seeking the same relief, the present Writ Petition is filed by the petitioner.

4. Heard both sides and I have also perused the records carefully.

5. In similar matters, this Court time and again stated that mere pendency of a criminal case by itself is not a bar for issuing or renewing a Passport. However, it is made clear that the petitioner should not travel outside the country when the criminal case is pending. They should get specific permission from the court concerned. With that undertaking, the petitioner can very well approach the concerned Passport Officer. Further, as stated by the petitioner in her affidavit, the family members of the petitioner have already approached this Court for renewal of the passports and this Court has also issued positive direction to the respondent to consider the grievance of the petitioners therein. Therefore, the petitioner herein is also entitled for the same relief.

6. In the result, the Writ Petition is disposed of by directing the respondent to issue the renewed passport for the petitioner's Passport bearing No.F7663222 by processing the

Petitioner's application in MA1079385702316, if she is otherwise eligible. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai-2.

+1cc to Mr.Ramachandramoorthy, Advocate, S.R.No.73325
+1cc to Mr.Ramesh, Advocate, S.R.No. 73979

kgk(CO)
rs(10/01/2017)

W.P.No.31226 of 2016

सत्यमेव जयते
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