



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.8669 of 2015

R.Bino Deva Kumar

... Petitioner

Vs.

1.The Regional Passport Officer,  
Madurai Bharathi Ula Veethi,  
Race Course Road,  
Madurai - 625 002.

2.The Superintendent of Police,  
Kanyakumari District,  
Kanyakumari.

3.The Inspector of Police,  
Vadasery Police Station,  
Vadasery, Kanyakumari District.

4.The Inspector of Police,  
All Women Police Station,  
Nagercoil,  
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to issue the renewed passport to the petitioner vide file No.MD 2077257257313.

For Petitioner

: Mr.R.Murugan

For R - 1

: Mr.P.Paul Pandi

Central Govt. Standing Counsel

For RR 2 to 4

: Mr.K.P.Krishna Doss

Government Advocate

ORDER

The petitioner has filed the present Writ Petition seeking  
Source: <https://hccs.courts.madras.gov.in/> to the first respondent to renew his passport.



2. According to the petitioner, he was issued with a passport on 05.05.1993, which was valid upto 04.05.2003. Subsequently, he filed an application for renewal of the passport. In the meantime, two criminal cases were filed against the petitioner in C.C.No.212 of 2007 on the file of the Judicial Magistrate No.II, Nagercoil and in C.C.No.64 of 2009 on the file of the Chief Judicial Magistrate, Kanyakumari District at Nagercoil. In C.C.No.212 of 2007, by Judgment, dated 10.08.2011, the trial Court has acquitted the petitioner and in C.C.No.64 of 2009, the trial Court has discharged him from all the charges. pending application for renewal of the passport, police enquiry was ordered. The third respondent has given a false statement stating that both the cases are pending against him. In the above circumstances, the first respondent did not renew the passport of the petitioner. Hence, he has filed the present Writ Petition.

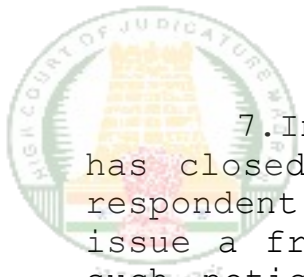
3. The first respondent has filed a counter-affidavit stating that in the police verification, the Superintendent of Police, Kanyakumari District has filed an adverse report, dated 13.07.2015, informing that a criminal case in C.C.No.64 of 2009 registered by the Inspector of Police, Vadasery Police Station is pending against the petitioner. In the above circumstances, a show-cause notice was issued to the petitioner on 12.08.2015, seeking for explanation. But the petitioner did not appear for enquiry and did not give any explanation to the show-cause notice. Since the petitioner's application for renewal of passport is pending for more than one year, the same was closed by the first respondent and the first respondent has also intimated to the petitioner, dated 02.02.2016, informing him to apply for a fresh passport.

4. The learned counsel for the petitioner has produced a copy of the order passed in R.C.S.No.1 of 2010 in C.C.No.64 of 2009 on the file of the Chief Judicial Magistrate, Nagercoil, dated 02.09.2010, wherein the petitioner was discharged from the charges and he also produced a copy of the Judgment passed in C.C.No.212 of 2007 on the file of the Judicial Magistrate No.II, Nagercoil, dated 10.08.2011, wherein the petitioner was acquitted and the learned counsel for the petitioner submitted that as on today, no criminal case is pending against the petitioner and both the cases referred by the respondent Police had already been ended in acquittal.

5. I have carefully perused the records and heard the learned counsel for the first respondent and the learned Government Advocate appearing for the respondents 2 to 4.

6. The learned counsel appearing for the respondents 2 to 4

<https://www.resnet.in/> ~~have not~~ in a position to dispute the same.



7. In the above circumstances, since the first respondent has closed the application pending the Writ Petition, the first respondent is directed to re-open the case of the petitioner and issue a fresh notice to the petitioner and conduct an enquiry. On such notice being issued, the petitioner is directed to appear before the authorities and submit all the relevant records to the first respondent. On submission of the same, the first respondent is directed to consider the petitioner's application and pass suitable orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. The Regional Passport Officer,  
Madurai Bharathi Ula Veethi,  
Race Course Road,  
Madurai - 625 002.
2. The Superintendent of Police,  
Kanyakumari District,  
Kanyakumari.
3. The Inspector of Police,  
Vadasery Police Station,  
Vadasery, Kanyakumari District.
4. The Inspector of Police,  
All Women Police Station,  
Nagercoil,  
Kanyakumari District.

+1cc to special Government Pleader sR.No.67757  
+1cc to Mr.R.Murugan, Advocate SR.No.66591  
+1cc to Mr.P.Paul Pandi, Advocate SR.No.66602

ps  
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W.P (MD) No.8669 of 2015  
08.11.2016