



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.12872 of 2016
and W.M.P(MD)No.9724 of 2016

Musthak Ahamed

... Petitioner

Vs.

1. The Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichy.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur District.
3. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent, dated 06.07.2016 and quash the same and consequently direct the first respondent to consider the explanation given by the petitioner, dated 29.12.2015.

For Petitioner : Mr.N.Sekar

For R - 1 : Mr.N.Shanmuga Selvam

For RR 2 & 3 : Mr.K.P.Krishnadoss
Government Advocate

**ORDER**

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent, dated 06.07.2016 and quash the same and consequently direct the first respondent to consider the explanation given by the petitioner, dated 29.12.2015.

2.The petitioner has already obtained passport and subsequently, renewed. After renewal, the first respondent on 16.12.2015 issued a show-cause notice on the ground that a criminal case is pending in Crime No.204 of 2011. Subsequently, on receipt of the show-cause notice, he has given a reply on 29.12.2015 and thereafter, two more show-cause notices were issued for the same, for which also, the petitioner has given a reply. Finally, the impugned order has been passed by the first respondent by impounding the passport. Challenging the impugned order, the present Writ Petition has been filed.

3.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

4.Admittedly, a criminal case is pending against the petitioner in Crime No.204 of 2011 for the offences under Sections 294(b), 323, 506(ii), 420, 471, 468, 467 and 120(b) IPC. In view of the same, there is a bar under Section 6(2)(f) of the Passports Act, 1967 for renewing the passport.

5.The main grievance of the petitioner is that after receipt of the reply to the show-cause notice, without conducting enquiry whatsoever, the first respondent has passed the impugned order.

6.It is an admitted case that a criminal case is pending against the petitioner and under Section 6(2)(f) of the Passports Act, 1967, if a criminal case is pending before the criminal Court, the petitioner is not entitled to get a passport. In the above circumstances, conducting an enquiry will only be an empty formality. Hence, there is no merit in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichy.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur District.
3. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur.

+ 1 CC TO Mr.A.MOHAMED YUSUF, ADVOCATE IN SR No. 60392
+ 1 CC TO Mr.N.SHANMUGA SELVAM, ADVOCATE IN SR No. 59569

PS

TE/SK-SKN : 19/10/2016 : 3P/6C

W.P (MD) No.12872 of 2016
and W.M.P (MD) No.9724 of 2016
05.10.2016