



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.16376 of 2016

and

W.M.P (MD) No.11975 of 2016

Sudar Ganesh Lakshmanan

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Racecourse Road,
Madurai-2.

2.The Inspector of Police,
Pazhavor Police Station,
Pazhavor,
Radhapuram Taluk,
Tirunelveli 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 1st respondent not to insist the petitioner to submit a fresh application and to get a fresh passport instead of his existing passport bearing No.Z3515106, dated 04.02.2016.

For Petitioner : Mr.S.R.Anbarasu

For R-1 : Mr.N.Shanmuga Selvam

For R-2 : Mr.K.P.Krishnadoss,
Government Advocate

ORDER

This Writ Petition has been filed challenging the show-cause notice, dated 04.02.2016, issued by the first respondent directing the petitioner to appear for enquiry to give explanation regarding the criminal case pending against him.

2. According to the petitioner, he applied for a passport before the first respondent and on 04.02.2016, the first respondent issued a passport bearing No.Z3515106, to the petitioner. Subsequently, on 07.04.2016 a criminal case was registered against the petitioner on the file of the second respondent police station in Crime No.87 of 2016 for the offence under Sections 147, 294(b), 323 and 506(ii) of I.P.C. Based on



the above criminal case, the second respondent said to have filed a adverse report against the petitioner, and based on the same, the first respondent issued the impugned show-cause notice.

3. The first respondent filed a counter affidavit stating that it is only a show-cause notice and as per Section 10(3)(e) of Passport Act, the present show-cause notice has been issued against the petitioner, directing the petitioner to submit his explanation and the same will be forwarded to the Superintendent of Police for verification and on receipt of the verification report, action will be initiated according to the Passport Act.

4. In the above circumstances, the petitioner is directed to appear before the first respondent to submit his explanation, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such explanation, the first respondent is directed to pass appropriate orders following the procedure contemplated under the Passport Act, within a period of six weeks thereafter. In the meantime, the first respondent is directed not to impound the passport of the petitioner till the first respondent passes a final order in the enquiry.

With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Racecourse Road,Madurai-2.

2.The Inspector of Police,
Pazhavor Police Station,
Pazhavor,Radhapuram Taluk,
Tirunelveli District.

+1cc to M/S.S.R.Anbarasu, Advocate in SR.No.54555
+1cc to M/S.N.Shanmuga Selvam, Advocate in SR.No.54216
+1cc to Special Government Pleader in SR.No.54469

W.P(MD)No.16376 of 2016
20.09.2016