



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.4734 of 2016
and
W.M.P (MD) No.4276 of 2016

Mohamed Nazurudeen Sayad Ibrahim
Pitchai Mohideen

... Petitioner

Vs.

1. The Passport Officer,
Passport Office,
Bharathi Ula Road,
Near Lotus Tank,
Madurai.
2. The Commissioner of Police,
Madurai District, Madurai.
3. The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram.
4. The Inspector of Police,
Sellur Police Station,
Madurai.
5. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to renew and reissue the petitioners Passport to him by considering the petitioner's application in MD1078797015915 dated 07.09.2015.

For Petitioner	: Mr.S.M.A.Jinnah
For 1 st Respondent	: Mr.P.Paulpandi
For Respondents 2 - 5	: Mr.K.P.Krishnadoss, Government Advocate.

ORDER

The petitioner has come up with the above writ petition seeking for the issuance of a writ of mandamus to direct the first respondent to renew and reissue the petitioner's passport to him by



considering the petitioner's application in MD1078797015915 dated 07.09.2015.

2. Heard Mr.S.M.A.Jinnah, learned counsel appearing for the petitioner, Mr.P.Paulpandi, learned counsel appearing for the first respondent and Mr.K.P.Krishnadoss, learned Government Advocate appearing for the respondents 2 to 5.

3. According to the petitioner, he was issued with passport bearing No.E0356900 on 02.11.2001 which was expired on 01.11.2011. Subsequently, on 07.09.2015, he surrendered the passport and applied for renewal of the passport. Thereafter, the petitioner's application was forwarded to the fourth respondent for verification. It is further stated that during enquiry, it was found that a criminal case is pending against the petitioner on the file of the fifth respondent police in Crime No.67 of 2015, on the file of the Kenikarai Police Station, Ramanathapuram District for the offence punishable under Sections 147, 148, 186, 294(b), 323, 324, 332 and 307 IPC. Based on that the first respondent also issued show cause notice to the petitioner on 15.11.20015 directing the petitioner to appear for an enquiry and produce a copy of the final judgment in the above said criminal case. According to the petitioner, he was not involved in the crime and it is only a hit and run case registered against unknown person. But the respondents 3 to 5 have given the report stating that the petitioner involved in the above crime. Hence, the petitioner has filed the present writ petition.

4. The first respondent has filed a counter affidavit stating that after receipt of the petitioner application, a verification report was called for from the police. Thereafter, the Commissioner of Police, Madurai informed that a criminal case is pending against the petitioner in Crime No.67 of 2015 on the file of the fifth respondent police, for the offence punishable under Sections 147, 148, 186, 294(b), 323, 324, 332 and 307 IPC. Subsequently, the petitioner has approached the first respondent and produced a copy of the order passed by this Court in CrI.O.P.(MD) No.5831 of 2014 wherein this Court quashed the proceedings in Crime No.67 of 2014. According to the respondents as per the report filed by the respondents 3 to 5, the case pending against the petitioner is in Crime No.67 of 2015 and the order copy of the produced by petitioner is relating to Crime No.67 of 2014. It is further stated that after getting report from the Commissioner of Police, appropriate orders will be passed in the petitioner's passport application.

5. When the matter came up for hearing on 07.11.2016, this Court directed the fifth respondent to file counter to the effect that whether any criminal case is pending against the petitioner. Pursuant to the same, the fifth respondent has filed a counter affidavit wherein it has been stated that the name of the petitioner is not found place in Crime No.67 of 2014 which was registered against 37 named accused and 1000 others. Subsequently, the above



case was quashed by this Court in Cr1.OP(MD)No.5831 of 2014 dated 19.11.2014. It is further stated that name of the petitioner is also not found place in Crime No.67 of 2015 which was registered under Sections 279 and 337 IPC against unknown person.

6.In the above circumstances, since the petitioner is not an accused neither in Crime No.67 of 2014 nor in Crime No.67 of 2015, the first respondent is directed to consider the petitioner's passport application and suitable orders within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)No.4276 of 2016 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Passport Officer,
Passport Office,
Bharathi Ula Road,
Near Lotus Tank,
Madurai.
2. The Commissioner of Police,
Madurai District, Madurai.
3. The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram.
4. The Inspector of Police,
Sellur Police Station,
Madurai.
5. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram.

+ 1 CC TO Mr.P.PAULPANDI, ADVOCATE IN SR No. 71211
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 71128

SMS

TE/KM : 14/12/2016 : 3P/8C

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