

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.5207 of 2017 &
W.M.P.No.5531 of 2017

Raviraj

.. Petitioner

Vs

The Regional Passport Officer
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai - 600 002.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent culminated in File No.1500028 CPC MAS, 09.09.2016 and quash the same direct the respondent to renew and reissue the petitioner passport bearing No.E2264202 within the time prescribed by this Court.

For Petitioner : Mr.P.Chandrasekar

For Respondent: Mr.N.Vijaya Baskar,
Standing Counsel

O R D E R

Heard the learned counsel for the petitioner and Mr.N.Vijaya Baskar, learned Standing Counsel for the respondent and perused the materials available on record.

2. The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent dated 09.09.2016 and to quash the same, and direct the respondent to renew and reissue the passport bearing No.E2264202 within a time frame.

3. The learned counsel for the petitioner submitted that when the petitioner submitted his passport for renewal before the respondent, by a communication dated 29.04.2015, it was informed that he had suppressed the material information in the passport application and the local police had given an adverse report with file dated 18.03.2015, in which, it is stated that a Criminal case has been registered against the petitioner.

4. It is not in dispute that a complaint has been registered in Crime No.194 of 2013 against the petitioner for the offences under Section 143,147,294(b),353,506(ii) IPC r/w 188 IPC on the file of M3 Puzhal Police Station, Chennai.

5. The respondent filed their counter, wherein it has been stated that the case was charge sheeted before Judicial Magistrate Court, Tiruvottriyur, but it is not taken on file so far.

6. The learned counsel appearing for the petitioner in support of his contention relied upon the following judgments:-

(i) An unreported order of this Court dated 28.02.2017 made in W.P.No.47 of 2017 (Khushboo Sundar vs. The Regional Passport Officer (Chennai) and

(ii) the judgment of this Court in the case of Ashok Muthana vs. Regional Passport Officer, Chennai reported in (2014) 7 MLJ 422.

7. The learned Standing Counsel appearing for the respondent submitted that since a Criminal case is pending against the petitioner, in view of the orders passed by this Court, the passport can be renewed. However, the same should be directed to be surrendered before the Judicial Magistrate Court, Tiruvottriyur.

8. The learned counsel appearing for the petitioner also agreed for the same and submitted that on renewal of the passport, the petitioner would surrender the same before the Judicial Magistrate Court, Tiruvottriyur.

9. By order dated 09.09.2016, the respondent declined to renew the passport. In view of the submissions made by the learned counsel on either side, I am of the view that the impugned order dated 09.09.2016, is liable to be set aside. Accordingly, the same is set aside. I direct the respondent to renew the petitioner's passport, bearing No.E2264202, if it is otherwise, in order, within a period of six weeks from the date of receipt of a copy of this order. On renewal, the petitioner is directed to surrender the passport before the Judicial Magistrate Court, Tiruvottriyur in Crime No. 194 of 2013, on the file of M3 Puzhal Police Station, Chennai. If the petitioner intends to travel abroad, it is made clear that he should get the prior permission of the Judicial Magistrate, Tiruvottriyur for travelling abroad.

10. With these observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jer/rg

To

1.The Regional Passport Officer
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai - 600 002.

2. The Judicial Magistrate Tiruvottriyur.

+ 3ccs to Mr.P. Chandrasekar, Advocate SR.23505

+ 1 cc to Mr.N. Vijaya Baskar, Advocate Sr.23374

W.P.No.5207 of 2017

VD(CO)
Eu 24.4.17

सत्यमेव जयते

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