

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2017

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.Nos.10238 & 10239 of 2017

&

W.M.P.Nos.11180 to 11183 of 2017

Rama Krishna Reddy Gorrepati ... Petitioner in WP.10238/2017

Rajini Reddy Valipi Reddy ... Petitioner in WP.10239/2017

Vs.

1. The Regional Passport Officer
Regional Passport Office - Chennai
Royala Towers No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai - 600 002.
2. The Inspector of Police
Central Bureau of Investigation
Bank Security & Frauds Cell
No.36, Bellary Road, Ganga Nagar,
Bangalore - 560 032. ... Respondents in both W.Ps.

Prayer: Petitions have been filed under Article 226 of the Constitution of India, issue a writ of certiorari to call for the records pertaining to the impugned proceedings of the 1st respondent dated 25.11.2016 in file Nos.MAS079104985716 and MASL00327808 in Letter Ref.Nos.IMP/304775465/16 and IMP/304775521/16 and quash the same.

For Petitioner :Mr.Murali Kumar
for M/s.Mc Gan Law Firm

For Respondents :Mr.K.Srinivasan
Spl. PP (CBI) for R2
J.Madanagopal Rao for R1

COMMON ORDER

These two writ petitions are directed against the order passed by the 1st respondent /Passport Authority directing the writ petitioners to submit their passports immediately in view of the proceedings initiated by them in response to the letter written by the CBI, intimating the Passport Authority about the pendency of Criminal Prosecution against them. The impugned order was passed under Section 10 (3) (e) of the Passports Act, 1967, which empowers the Passport Authority to impound passport of any person against whom the criminal cases are pending.

2. In this case, though the writ petitioners submitted that no opportunity was given to them before passing the impugned order, the records produced by the Regional Passport Authority reveals that the Regional Passport Office /1st respondent after the receipt of the letter from the CBI Bank Security & Frauds Cell, Bangalore dated 22.09.2016 had issued a show cause notice to these writ petitioners on 04.11.2016. The said notice has been returned with the postal endorsement as "unclaimed" by the writ petitioners. The returned cover is also placed before this court with the postal endorsement. Therefore, the contentions raised by the writ petitioners that without giving an opportunity to them, the impugned order has been passed against them is not factually correct.

3. However, the fact remains that they have not participated in the enquiry proceedings. For the reasons best known to them they have not claimed the notice despite intimation. So the writ petitioners cannot take advance of their fault and question the veracity and legality of the impugned order dated 25.11.2016.

4. Right to movement has held to be a fundamental right long back by the Courts, subject to reasonable restrictions and that restrictions can be imposed after giving adequate opportunity to the concerned persons.

5. Though show cause notice issued, the writ petitioners have not responded to that, inviting the impugned order.

6. Therefore, it is suffice to direct the writ petitioners herein to appear before the first respondent within ten days from this day with their passports and surrender the same to the first respondent along with their explanations whatsoever to the show cause notice dated 04.11.2016. On receipt of the explanation to the show cause notice, the first respondent shall consider the explanation and pass orders in accordance with law within thirty days from such surrender and receipt of the explanation.

7. Accordingly, these writ petitions are disposed of. Consequently, connected connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

kas/vv

To

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

2. The Inspector of Police, Central Bureau of Investigation Bank Security & Frauds Cell, No.36, Bellary Road, Ganga Nagar, Bangalore - 560 032.

+1 C.C. to M/S. MC GAN LAW FIRM Advocate SR.NO. 65038/17

+1 C.C. to M/S. J. MADANAGOPAL RAO, Advocate SR.NO. 64463/17

W.P.Nos.10238 & 10239 of 2017

CA(CO)
T.R (09/10/2017)

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