

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

W.P.No.3616 of 2017
and
W.M.P.No.3647 of 2017

Navin Kumar

.. Petitioner

Vs

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.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the show cause notice issued by the respondent in SCN/305040951/17 in File No. MA1079916585317 dated 31.01.2017 and quash the same as illegal, arbitrary and consequently direct the respondent to issue additional booklet to the petitioner's passport bearing No.N5164279.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mrs.Sunitha Kumari

सत्यमेव जयते
O R D E R

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the show cause notice issued by the respondent dated 31.01.2017 and quash the same and direct the respondent to issue additional booklet to the petitioner's passport bearing No. N5164279.

2. It is the case of the petitioner that since the pages in the passport have got completed, he had approached the respondent to issue additional booklet for his passport. According to the petitioner, the application was made on 23.01.2017. Further, the petitioner has stated that he had

traveled to many Countries and the pages in the passport got exhausted. It is also the case of the petitioner that he was involved in a case registered in Crime No.1358 of 2006, on account of the death of his wife. The relatives of his wife suspected that it was nothing but death due to dowry harassment and it is also not in dispute that a criminal case is also pending. The passport Officer wanted the petitioner to surrender the passport, resulting in filing a Writ Petition, before this Court in W.P.No.2686 of 2009. Even after granting stay, the respondent refused to renew the passport resulting in filing a contempt petition by the petitioner. Thereafter, the petitioner's passport was renewed up to 05.05.2018. The petitioner, thereafter made an application for issuing additional booklet, as the existing sheets were all exhausted, on account of his constant travel.

3. The application was forwarded to the Police and the Police sent an adverse report, resulting in issuing the show cause notice dated 31.05.2013. Challenging the same, the petitioner filed a Writ Petition in W.P.No.15725 of 2013 and this Court, by order dated 16.07.2013, quashed the show cause notice dated 31.05.2013 and remitted the matter to the respondent for fresh consideration. The respondent was directed to consider the application submitted by the petitioner for issuing Additional sheets without reference to the pending criminal case, pursuant to the order of this Court dated 16.07.2013.

4. Subsequently, the respondent impounded the petitioner's ***Father's** passport by order dated 9.01.2015 and the same was also challenged before this Court in W.P.No.7021 of 2015. This Court by order dated 25.06.2015, allowed the Writ Petition and set aside the order dated 9.01.2015 and directed the respondent to remove necessary entries in the website and relevant records as to the impounding of the petitioner's ***Father's** passport and issue appropriate orders within a period of two weeks and communicate the decision taken to the petitioner. Further, this Court also observed that mere pendency of the criminal case cannot be cited as a bar to prevent the petitioners ***Father** to travel abroad.

5. It is not in dispute that the petitioner is a Software Engineer by profession, traveling frequently to various Countries. Now, by the impugned show cause notice dated 31.01.2017, the respondent declined to process the petitioner's application dated 23.01.2017, stating that the case registered in J-2 Adyar Police Station, in Criminal No. 1358 of 2006 is pending.

6. The learned Standing Counsel appearing for the respondent submitted that by the application dated 23.01.2017, the petitioner has not sought for additional booklet and in fact, he has sought for only change in the existing personal particulars in the passport and his father's name in the passport. The learned counsel further submitted, since the petitioner has not sought for additional booklet in the application dated 23.01.2017, the same was not processed. However, on a reading of the show cause notice dated 31.01.2017, the stand taken by the respondent in a counter has not been mentioned and the only stand taken in the show cause notice is the pendency of the criminal case in Crime No. 1358 of 2006. The respondent has not sought for any explanation or clarification from the petitioner with regard to the change in the personal particulars and name of his father in the show cause notice dated 31.01.2017.

7. When this Court had already directed the respondent in W.P.No.15725 of 2013, to consider the application submitted by the petitioner for issuing Additional sheets without reference to the pending criminal case, the present show cause notice dated 31.01.2017, cannot stand and is liable to be set aside. In spite of the earlier order passed in W.P.No.15725 of 2013, the respondent has passed the impugned show cause notice on the very same ground.

8. In these circumstances, the show cause notice dated 31.01.2017 is set aside. The petitioner is directed to give a fresh application for issuing additional sheets in the passport on or before 17.04.2017 and the respondent is directed to process the same and issue the additional sheets to the petitioner within ten days from the date of submission of the application. In the event of the petitioner seeking for change of personal particulars and his father name in the passport, it is open to the petitioner to give necessary documents in support of his contentions before the respondent and in the case of production of the necessary documents to the respondent, the respondent shall also process the same and issue necessary amendments in the passport, with regard to the personal particulars and his father's name.

9. With these observations, this Writ Petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

***Amended as per order
dated 18/4/2017 made in WP.3616/17
-s/d-
Assistant Registrar(CO)
dt:18/4/2017**

//True Copy//

Sub Assistant Registrar

Gsa/vsm

To

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.

To be Substituted to the order
dated 12/4/17 already
despatched on 13/4/17

+1cc to Mr.V.Ragavachari, Advocate, S.R.No.*23336

+2cc to Mr.Sunitakumari, Advocate, S.R.No.*23181

W.P.No.3616 of 2016

br(CO)
rmp(13/04/17)
aa18/04/2017

सत्यमेव जयते
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