

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM :

THE HONOURABLE MR. JUSTICE.S.VAIDYANATHAN

W.P.No.19434 of 2013

V.Balakrishnan

.. Petitioner

Vs

The Regional Passport Officer,
Regional Passport Office,
Coimbatore - 641 018.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondent herein to renew the petitioner's passport bearing No.S444108 or issue a fresh passport to the petitioner forthwith.

For Petitioner : Mr.S.Thirumavalavan
For Respondent : Mr.J.Madhana Gopal Rao,
Sr. Central Govt. Standing Counsel

O R D E R

The petitioner has come forward with this Writ Petition seeking renewal of his Passport bearing No.S444108 or issuance of a fresh passport to him, forthwith.

2. According to the petitioner, due to busy work schedule, he forgot to renew his Passport issued by the Regional Passport Officer, Madras. Hence, he registered with the Passport Authorities through online for renewal of his Passport and he was directed to appear before the Passport Seva Kendra, Coimbatore along with all original credentials on 28.02.2012. Accordingly, the petitioner appeared before the Passport Seva Kendra, Coimbatore with all his original Certificates and paid necessary charges towards renewal. Since the Passport authorities refused to renew the petitioner's Passport, on the ground that an F.I.R. is pending against him, the petitioner is before this Court.

3. Learned counsel for the petitioner contended that mere pendency of a criminal case is not a bar for the respondent to renew the petitioner's Passport and that the said act of the respondent is highly arbitrary and violative of Article 14 of the Constitution of India.

4. On the other hand, learned Senior Central Government Standing Counsel appearing for the respondent submitted that even though pendency of an F.I.R. is not a bar, as the petitioner has suppressed the material fact that a criminal case is pending against him, his application seeking renewal of Passport was rejected. However, he submitted that if the petitioner submits a fresh application to the respondent, the same would be considered by the respondent in accordance with law and as per the provisions of the Passport Act, 1967.

5. In a similar circumstance, this Court in the case of W.Jaihar William and others vs. State of Tamil Nadu (2014) 8 MLJ 61, held that the Passport authorities cannot mechanically refuse to issue Passport to the petitioners on the ground that F.I.Rs. are pending against them and directed the Passport authorities to consider and pass appropriate orders on the petitioners' application seeking issuance of Passport.

6. Considering the facts and circumstances of the case and taking note of the principle laid down in the said decision, this Court directs the petitioner herein to submit a fresh application to the respondent without suppression of facts and on receipt of such application from the petitioner, the respondent shall consider the petitioner's case afresh without being influenced by the earlier order of rejection.

The Writ Petition is disposed of the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

aeb
To:

The Regional Passport Officer,
Regional Passport Office,
Coimbatore - 641 018.

+1cc to M/S.S.Thirumavalavan, Advocate Sr. 70006
+1cc to M/S.J.Madanagopal Rao, Advocate Sr. 70412

Order in
W.P.No.19434 of 2013

NRI (CO)
VR(23/10/2017)