



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.11241 of 2017

K.Srikanth

... Petitioner

Vs.

1. The Passport Officer,
Passport Office,
W.B.Road, Tiruchirappalli - 620 008.

2. The Inspector of Police,
Crime Branch C.I.D.,
O.C.Unit, Tiruchirappalli.

... Respondents

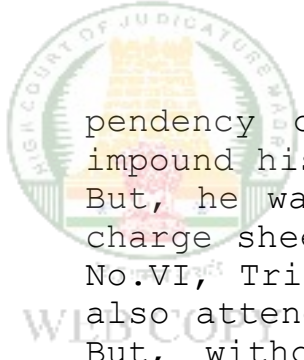
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned order passed by the 1st respondent vide his proceedings in File No.TR2067340405713 Letter Ref.No.IMP/302908353/15 dated 28.07.2015 and quash the same and consequently direct the 1st respondent to return the petitioner's passport vide Passport No.L5365303 dated 16.01.2014 to the petitioner within a stipulated period as prescribed by this Court.

For Petitioner	: Mr.S.Balaji
For R1	: Mr.P.Paulpandi
For R2	: Mr.T.S.Mohammed Mohideen, Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a writ of certiorarified mandamus to quash the impugned order passed by the 1st respondent vide his proceedings in File No.TR2067340405713, Letter Ref.No.IMP/302908353/15 dated 28.07.2015 and direct the 1st respondent to return the petitioner's passport vide Passport No.L5365303 dated 16.01.2014.

2. It is the case of the petitioner that on account of pendency of a case in Crime No.2 of 2014 on the file of the second respondent, the 1st respondent issued the impugned order to the petitioner on 28.07.2015, wherein it is stated that due to



pendency of a criminal case, the first respondent decided to impound his passport and also directed him to submit his passport. But, he was not an accused in the said case. In the same case, charge sheet has been filed before the learned Judicial Magistrate No.VI, Trichy and the same is pending for trial. The petitioner also attended the enquiry on 28.03.2016 and gave his explanation. But, without verifying the correctness of the case, the first respondent passed the impugned order. Hence, aggrieved by the overall act of the respondents, the petitioner is before this Court with the above direction.

3.The learned Counsel appearing for the 1st respondent has filed a detailed counter affidavit contending that on suppression of information with regard to the case pending before the Court in relation to his birth certificate, the impugned order has been passed.

4.The learned Counsel appearing for the petitioner placed reliance upon the order of this Court in the case of **N.Chandrababu Vs. The Sub Inspector of Police in W.P.(MD)No.7056 of 2017** in support of his submission, wherein, this Court has held as follows:

"7. On a conspectus of the facts obtaining in this case, this Court is of the view that this is a fit case for which permission should be granted to the petitioner to go abroad. Under such circumstances, this Court permits the petitioner to depart from India and return on 30th May 2017. In view of the permission granted by this Court, the Passport authorities are directed to exempt the petitioner from the operation of the provisions of Clause (f) of sub-Section (2) of Section 6 of the Passports Act. The petitioner shall give an undertaking as contemplated by Clause (d) of the Notification dated 25.08.1993. The petitioner will be entitled to keep the passport with him, in view of the fact that this Court has granted stay of all further proceedings in C.C. No.21 of 2015 and it may not be necessary for the petitioner to come every time to this Court seeking permission to go abroad. Accordingly, this writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed."

5. Heard the learned Counsel for the parties.

6.A careful scrutiny of the order **dated 21.04.2017** passed in **N.Chandrababu Vs. The Sub Inspector of Police in W.P.(MD) No.7056 of 2017** would reveal that in the said case, this Court has clearly observed that though the concerned Trial Court had taken cognizance of the offence, pursuant to the subsequent stay granted



by this Court, which was in force at that point of time, nothing prevented the Passport authorities to issue Passport to the petitioner therein.

7. In the present case on hand, though it was reported that in respect of issuance of birth certificate, a criminal case is pending before the Court, it is not known as to whether any cognizance has been taken by the concerned Court. Therefore, mere pendency of the criminal case in respect of the issuance of birth certificate cannot be cited as a reason for denial of issuance of Passport to the petitioner.

8. Hence, following the judgment of this Court (cited supra), this writ petition is disposed of, directing the 1st respondent to consider the release of the petitioner's passport, bearing Passport No.L5365303 and pass appropriate orders, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, especially in the light of the order of this Court in **N.Chandrababu Vs. The Sub Inspector of Police in W.P. (MD) No.7056 of 2017**. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Passport Officer,
Passport Office,
W.B.Road, Tiruchirappalli - 620 008.
2. The Inspector of Police,
Crime Branch C.I.D.,
O.C.Unit, Tiruchirappalli.

+ 1 CC TO MR.S.Balaji, ADVOCATE IN SR No.84391
+ 1 CC TO MR.P.Paulpandi, ADVOCATE IN SR No.84393
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.84829&85013

smn

MK/SKN RSK/SAR-3/09.11.2017/3P/6C

W.P. (MD) No.11241 of 2017
31.10.2017