



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.11575 of 2017

and

W.M.P. (MD) Nos.8914,8915 and 8916 of 2017

R.Chiranjeevi Rathnam

... Petitioner

-vs-

1.The Regional Passport Officer,
Regional Passport Office,
Government of India, Madurai.

2.The Chief Passport Officer,
Ministry of External Affairs,
New Delhi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the Impugned Order in Letter Ref.No.SCN/305498847/17 dated 23.05.2017 on the file of the 1st respondent and the consequent Impugned Order in Letter Ref No.IMP/305498859/17 dated 23.05.2017 on the file of the 1st respondent and quash the same.

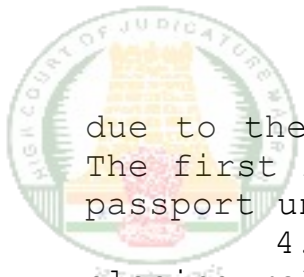
For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.N.Shanmugha Selvam

O R D E R

The Writ Petition has been filed for calling for the records relating to the proceedings of the Impugned Order in Letter Ref.No.SCN/305498847/17 dated 23.05.2017 on the file of the 1st respondent and the consequent Impugned Order in Letter Ref No.IMP/305498859/17 dated 23.05.2017 on the file of the 1st respondent and quash the same.

2.Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.N.Shanmugha Selvam, learned counsel appearing for the respondents.

3.Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner would submit that the petitioner is a resident of Sivakasi and he was issued with a passport under Passport No.Z 4046044 by the respondents. The first respondent by his <https://hservices.apnits.gov.in/hservices/centralauthenticator> dated 26.12.2016, call for the petitioner's explanation as to why the said passport was not to be impounded



due to the pendency of the criminal case in Crime No.17 of 2016. The first respondent then passed the impugned order impounding his passport under Section 10 (3)(e) of the Passports Act, 1967.

4.The learned counsel appearing for the petitioner, by placing reliance on the Judgement of this Court reported in **(2014) 8 MLJ 61** in the case of *W.Jaihar William and others Vs. State of Tamil Nadu, rep. by its Secretary to Government, Chennai and Others* and the judgments passed in W.P.(MD)No.47 of 2017 and W.P (MD).No.7024 of 2017 would submit that mere pendency of criminal case could not be a ground to impound the passport of the petitioner. The respondents have the authority to invoke Section 10(3)(e) of Passports Act to impound the passport, only after laying of a final report in criminal case and cognizance was taken by the Competent Court. Hence, he prays for quashing the impugned order of the first respondent.

5.Mr.N.Shanmugha Selvam, learned counsel appearing for the respondents, on the other hand, would submit that aggrieved by the order of the first respondent, the petitioner has preferred an appeal before the second respondent on 17.06.2017 and when the statutory appeal is pending, this writ petition cannot be entertained.

6.It is not in dispute that challenging the order of the first respondent, the petitioner has filed an appeal before the second respondent, dated 17.06.2017. It is settled position of law that an order cannot be challenged before two different Forums.

7.In such view of the matter, this Court is not inclined to entertain this writ petition. In the result, this writ petition is disposed of with a direction to the second respondent to consider the appeal filed by the petitioner, dated 17.06.2017 and pass orders on merits in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, taking into consideration the judgments of this court referred supra.

8.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar



To

1.The Regional Passport Officer,
Regional Passport Office,
Government of India, Madurai.

2.The Chief Passport Officer,
Ministry of External Affairs,
New Delhi.

+1cc to Mr.G.Prabhu Rajadurai,Advocate,SR. 61511

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SM/TSG

KK/SV MMS/SAR 2/22.06.2017/3P-4C