



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.06.2017

CORAM :

WEB COPY

THE HONOURABLE JUSTICE MR. K.KALYANASUNDARAM

W.P.(MD) No.11761 of 2017

S.Saravanan

...Petitioner

Vs.

1.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Court Road,
Madurai - 625 002.

2.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

...Respondents

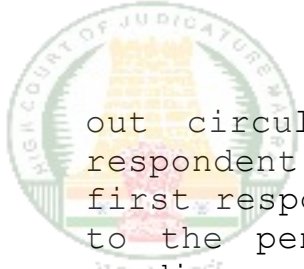
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue of a Writ of Mandamus, to direct the first respondent to return the petitioner's passport vide Passport No.L7928530 issued on 18.03.2014 to the petitioner within a stipulated period as prescribed by this Court by taking into consideration of the order passed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District in L.F.No.369/2014.

For Petitioner	:	Mr.S.Balaji
For R1	:	Mr.N.Shanmugaselvan
For R2	:	Mr.A.Muthukaruppan, Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus directing the first respondent to return the petitioner's passport vide Passport No.L7928530 issued on 18.03.2014 to the petitioner within a stipulated period as prescribed by this Court by taking into consideration of the order passed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District in L.F.No.369/2014.

2.The case of the petitioner is that he was issued with a valid passport by the first respondent in the year 2006 and it was periodically renewed and the passport is valid till 17.03.2024. The petitioner would further submit that he got employment opportunity at Muscat and he was working there and when he returned to India on 18.05.2017, the Trivandrum International Airport Authority have detained the petitioner, based on a look



out circular and also handed over the passport to the first respondent. Subsequently, when the petitioner approached the first respondent, it was informed that the passport was seized due to the pendency of the criminal case in Crime No.103 of 2013, pending on the file of the second respondent. Therefore, the petitioner has approached this Court by way of the present writ petition.

3. Mr.Balaji, learned counsel appearing for the petitioner would submit that mere registration of a criminal case cannot be a ground to impound the passport of the petitioner. He further submitted that the criminal case in Crime No.103 of 2013 itself was closed by the Judicial Magistrate, Valliyoor, in the year 2014 and therefore, there cannot any impediment for issuing a direction to the respondents to return the passport of the petitioner. In support of his contention, he relied upon a decision of this Court reported in **2014 (2) CWC 684** (M.Jaihar William vs. State of Tamil Nadu). According to the said decision, mere pendency of the FIR cannot be construed as pendency of criminal proceedings, unless the Judicial Magistrate takes cognizance of offence on filing of charge sheet of complaint and investigation against accused.

4.Mr.Shanmugasundaram, learned counsel appearing for the first respondent would contend that when the passport was renewed in the year 2014, the petitioner has suppressed the pendency of the criminal case registered in the year 2013 and if the criminal case is closed, the petitioner can be directed to produce all the documents before the first respondent for returning the passport.

5.Mr.Muthukaruppan, learned Additional Government Pleader, who is appearing on behalf of the second respondent, would fairly submit that the criminal case registered against the petitioner has already been closed and now there is no criminal case is pending against the petitioner.

6. Considering the submission of both the learned counsels and in the light of the decision reported in **2014 (2) CWC 684** (cited supra), I am of the opinion that the petitioner is entitled to succeed in this Writ Petition. Accordingly, this Writ Petition is allowed and the first respondent is directed to return the passport of the petitioner forthwith. No costs.

Sd/-

Assistant Registrar

/True copy/



To

1.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Court Road,
Madurai - 625 002.

2.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

+1cc to Mr.N.Shanmuga selvam,Advocate,SR.62967
+1cc to Mr.S.Balaji,Advocate,SR.62916
+1cc to M/s.Special Government Pleader,SR.63151

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