



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 31.07.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.12875 of 2017

and

W.M.P (MD) Nos.9967 and 9968 of 2017

M.Lakshmipathi Rajan

..Petitioner

Vs

1. The Regional Passport Officer,
Bharatrhi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Superintendent of Police,
Madurai District,
K.Pudur,
Madurai - 625 007.

3. The Inspector of Police,
Silaiman Police Station,
Madurai District.

..Respondents.

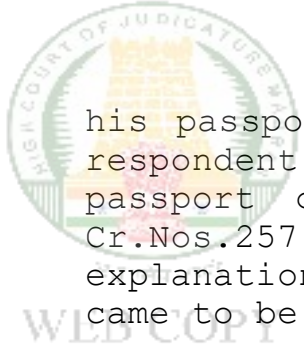
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to quash the impugned order of the first respondent dated 16.1.2017 in Passport No.IZ37377751- File No.MD1079580165916, on the file of the first respondent.

For Petitioner	:Mr.N.Murugesan
For Respondent-1	:Mr.K.R.Laxman
Fir Respondents	:Mr.C.Selvaraj,
2 and 3	Special Govt. Pleader

ORDER

Challenge in the Writ Petition is to the order of the first respondent, dated 16.1.2017.

2.The case of the Petitioner is that his son Rajarajan, completed his Bachelor of Aeronautical Engineering in Australia and he has also completed his Pilot Course at USA and he has got an opportunity to work as Pilot in USA, after completing training at New Delhi. The Petitioner's son was issued with a passport and



his passport was renewed on 17.8.2016. Subsequently, the first respondent issued a show- cause notice for impounding the passport on the ground of registration of criminal Cases in Cr.Nos.257 of 2013 and 259/2014. The Petitioners submitted an explanation on 21.09.2017. Despite the same, the impugned order came to be passed on 16.07.2017.

3.In the instant case, it is not in dispute that the Petitioner's son Rajarajan was issued with a passport by the first respondent and thereafter, it was renewed on 17.08.2016.The first respondent decided to impound the passport on the only ground of pendency of Criminal Cases in Cr.No.257 of 2013 and Cr.No.259 of 2014.

4.Mr.C.Selvaraj, learned Special Government Pleader, appearing for the respondents 2 and 3 on instructions would submit that the Petitioner's son Rajarajan was an accused in Cr.No.259 of 2014 and after investigation, the third respondent closed the case as 'mistake of fact' and the closure report was also filed before the concerned Court and that the Petitioner's son was not an accused in Cr.No.257 of 2013.

5.Mr.K.R.Laxman, learned Standing Counsel for the first respondent would submit that the first respondent issued the show cause notice, dated 14.9.2016 only based on the report from the second respondent stating that the Petitioner's son is involving in two criminal cases and if the Petitioner produces document showing that the Petitioner's son is not an accused in those cases, the first respondent is ready to reconsider the issue and pass orders afresh.

6.It is not in dispute that the impugned order came to be passed based on the report submitted by the Second Respondent, that the said Rajarajan was involved in criminal cases. The learned Special Government Pleader has categorically stated that no criminal case is pending against the said Rajarajan, as on date.

7.In the light of the above facts, this Court is of the considered opinion that the order impugned in this Writ Petition is liable to be set aside. Accordingly, the Writ Petition is allowed and the order of the first respondent, dated 16.1.2017 in Passport No.IZ37377751- File No.MD1079580165916 is quashed. The first respondent is directed to return the passport, forthwith. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)



To

1. The Regional Passport Officer,
Bharatrhi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Superintendent of Police,
Madurai District,
K.Pudur,
Madurai - 625 007.

3. The Inspector of Police,
Silaiman Police Station,
Madurai District.

+1 cc to Mr.N.Murugesan , Advocate in SR.No. 69140

+1 cc to The Special Government Pleader in SR.No.69391

vsn

AE/KP/SAR2/16.08.2017/3P/6C

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