



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.1418 of 2017
and W.M.P(MD) .No.1161 and 1162 of 2017

J.Mathanagopal

..Petitioner

Vs

The Regional Passport Officer,
Madurai Region,
Kochadai Road,
Madurai.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the respondent - surrender certificate relating to file number:MD1078084588514 and proceedings dated 01.06.2015 in Letter Ref.No.SCN/302731179/15 and quash the same and for a consequential direction to the respondent to release the petitioner's passport No.M3795543.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.N.Shanmuga Selvam

O R D E R

The Petitioner has approached this Court seeking quashment of the impugned proceedings of the respondent - surrender certificate relating to file number:MD1078084588514 and proceedings dated 01.06.2015 in Letter Ref.No.SCN/302731179/15 and for a consequential direction to the respondent to release the petitioner's passport No.M3795543.

2.According to the petitioner, the petitioner was issued with a passport earlier and the said passport had expired on 15.01.2012. Thereafter, he had applied for re-issuance of the passport and the respondent had issued a passport bearing No.M3795543 on 21.11.2014. While so, the petitioner was issued



with show cause notice by the respondent on 24.02.2015, calling upon him to explain the reason for not mentioning an alleged criminal case which came to their notice upon the adverse police verification report. Subsequently, petitioner was also directed to explain as to why action should not be taken to impound the passport Number M3795543 in the light of the said adverse police verification report.

3. According to the petitioner, he visited the respondent's office and he had explained that there is no criminal case pending against him before any Court of law and mere complaint is pending against him, which was in the stage of F.I.R. on the file of Thiruthangal Police Station. Further, according to him, at the time of submitting the application for re-issuance of the passport, even the said F.I.R. was not registered. However, the respondent recovered the passport arbitrarily on 03.03.2015 notwithstanding the above explanation and issued a surrender certificate. The effect of the recovery of the passport by the respondent was that the petitioner had been permanently barred from undertaking any travel out side India. Therefore, he has approached this Court seeking the relief as stated supra.

4. The learned counsel appearing for the petitioner would submit that the pendency of the F.I.R. would not stand in the way of issuing passport. In support of his submission, the learned counsel relied on the following decisions:

(i) **W.P. (MD) No.6742 of 2014 dated 08.10.2014 in the matter of Venkatesh Kandasamy v. Government of India, Ministry of External Affairs.**

(ii) **W.P. (MD) No.908 of 2015 dated 29.01.2015 in the matter of Nagarajan v. The Passport Officer, Regional Passport Office, Bharathi Ula Road, Madurai and two others and**

(iii) **W.Jaihar William v. State of Tamil Nadu [(2014) 8 MLJ 61].**

5. The learned Standing Counsel appearing for the respondent would submit that it is open to the petitioner to satisfy the authorities that the criminal case is said to have been held against him is only in the stage of F.I.R. and no charge sheet has been filed. He would further submit that if the petitioner is directed to produce the materials in support of his claim that the complaint against the petitioner is only at the F.I.R. stage, the same would be considered by the authority and action would be taken for the issuance of the passport, if the petitioner is otherwise eligible, in respect of all other aspects.

6. In view of the above, the learned counsel for the petitioner is directed to submit a fresh representation to the respondent with all the materials in support of his claim and the respondent is directed to consider the same as stated above, if the



petitioner is otherwise eligible, in respect of all other aspects and a decision shall be taken for re-issuance of passport. The said exercise shall be initiated and completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Regional Passport Officer,
Madurai Region,
Kochadai Road,
Madurai.

+1cc to Mr. N.Dlip kumar, Advocate Sr.No. 17186
+1cc to Mr. N.Shanmuga Selvam, Advocate Sr.No.17677

sj
BR/RR/04.04.2017/3P/4C

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