



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.08.2017
CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P.(MD)No.14534 of 2017

Inbaraj

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
WB Road,
Trichirappalli.

2.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
WB Road,
Trichrappalli.

3.The Inspector of Police,
Nadukkaveri Police Station,
Nadukkaveri,
Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 21.01.2017 and permit him to go abroad to Saudi Arabia for joining his job.

For Petitioner : Mr.T.Indrachithu
For Respondents : Mr.K.Ashokkumar Ram
Central Govt. Standing Counsel
for R1 and R2
Mr.C.Selvaraj
Spl. Govt. Pleader for R3

O R D E R

The petitioner seeks for a direction to the respondents to consider his representation dated 21.01.2017 and permit him to go abroad to Saudi Arabia for joining his job.

2.Mr.K.Ashokkumar Ram, learned Central Government Standing Counsel takes notice for respondents 1 and 2 and Mr.C.Selvaraj, Government Pleader takes notice for third respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



3.The case of the petitioner is that he is an Engineer by profession and he was issued with a passport by the respondents 1 and 2 on 30.08.2007 and its valid till 29.08.2017.

4.The petitioner would state that he was working in abroad and he returned to India on 23.12.2016 and only then he became aware that a case in Crime No.7 of 2014 was registered against him. The petitioner was not permitted to go abroad and his passport was also impounded on the ground of pendency of the criminal case.

5.The petitioner would further state that after enquiry the immigration officer has returned his passport and now the petitioner wants to go abroad for employment. Since he was earlier prevented by the respondents, he sent a representation dated 23.01.2017 seeking permission to go abroad. Since no order favourable order has been passed, the present writ petition.

6.Mr.C.Selvaraj, learned Special Government Pleader appearing for the respondent, on instructions, would submit that the third respondent after completing the investigation, filed the final report and it was not taken on file.

7.The learned counsel appearing for the petitioner would submit that it is settled law that mere pendency of the criminal case cannot be a ground to impound the passport and also to refuse the issuance of passport and admittedly the final report filed in the case is not yet taken on file. He would further submit that it would suffice if a direction is issued to the second respondent to consider the representation of the petitioner, dated 21.01.2017.

8.In the light of the above facts, this Court , without going into the merits of the matter, directs the second respondent to consider the representation of the petitioner dated 21.01.2017 and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

9.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar.



To

1.The Passport Officer,
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Trichirappalli.

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3.The Inspector of Police,
Nadukkaveri Police Station,
Nadukkaveri,
Thiruvaiyaru Taluk,
Thanjavur District.

+1CC to Mr.K.AshokKumar Ram,Central Government Standing Counsel
SR.No. 70414

+1CC to Mr.T.Indrachithu, Advocate, SR.No. 70505

W.P. (MD) No.14534 of 2017

skn

KK/MR/SAR 1/04.08.2017/3P/6C