



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :25.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P (MD) No.2226 of 2017

P.M.Mannan

.. Petitioner

Vs.

The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to return the petitioner's passport bearing No.P5469361 under the surrender certificate issued by the respondent in file No.MD1079780467316 within time frame stipulated by this Court.

For Petitioner

: Mr.F.Deepak

For Respondent

: Mr.G.Rajaraman

Central Government Standing Counsel

ORDER

This writ petition is filed seeking to direct the respondent to return the passport bearing No.P5469361 to the petitioner within stipulated time by this Court.

2.According to the petitioner, he applied for a fresh passport before the respondent as the existing one got damaged and he was also issued with a fresh passport on 23.11.2016. Subsequently, the respondent on 12.12.2016, pointing out some Crime Nos, called for an explanation from the petitioner. Though the petitioner submitted his explanation on 25.01.2017, he was directed to surrender his passport to the respondent and informed after consideration of his explanation, the passport would be returned. Accordingly the petitioner surrendered his passport. But, till date the passport has not been returned to the petitioner. The petitioner having no other option has approached this Court, seeking a direction to the respondent to return his passport.

3. This Court in the interest of justice directed the petitioner to file an affidavit and as directed by this Court, the petitioner filed an undertaking affidavit as follows:

<https://hcservices.ecourts.gov.in/hcservices/>
2. I humbly submit that I am the holder of the passport bearing No.P5469361. The validity of the passport is upto



10.12.2013. I am a law abating citizen living in the above permanent address. I further submit that due to the damage of my passport, I have applied for the re-issuance of fresh passport by an application dated 23.11.2016. After due verification, the new passport was also dispatched to me. Thereafter, due to pendency of FIR, I was made to surrender my passport to the passport authorities on 24.11.2016.

3. I hereby undertake that on receipt of my passport bearing Registration No.P5469361 by the passport authorities, I will not misuse the same and further abide that I will surrender the same if, required by the passport authorities in future."

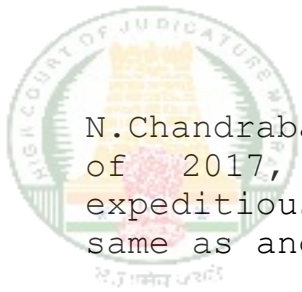
4.The learned Counsel appearing for the respondent submits that the pendency of criminal proceedings was reported by the police officials and therefore the petitioner was directed to surrender the passport.

5.In reply, the learned Counsel appearing for the petitioner placed reliance upon the order of this Court in the case of *N.Chandrababu Vs. The Sub Inspector of Police in W.P(MD)No.7056 of 2017*, wherein, this Court had granted permission to the petitioner therein to go to abroad.

6.A perusal of the materials available on record would reveal that the case cited supra, squarely applies to the present case on hand and this Court on 21.04.2017, in *N.Chandrababu Vs. The Sub Inspector of Police in W.P.(MD)No.7056 of 2017*, has held as follows:

"7.On a conspectus of the facts obtaining in this case, this Court is of the view that this is a fit case for which permission should be granted to the petitioner to go abroad. Under such circumstances, this Court permits the petitioner to depart from India and return on 30th May 2017. In view of the permission granted by this Court, the Passport authorities are directed to exempt the petitioner from the operation of the provisions of Clause (f) of sub-Section (2) of Section 6 of the Passports Act. The petitioner shall give an undertaking as contemplated by Clause (d) of the Notification dated 25.08.1993. The petitioner will be entitled to keep the passport with him, in view of the fact that this Court has granted stay of all further proceedings in C.C.No.21 of 2015 and it may not be necessary for the petitioner to come every time to this Court seeking permission to go abroad. Accordingly, this writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed."

7.Following the same and recording the affidavit filed by the petitioner, the writ petition is disposed of, directing the respondent to consider the explanation submitted by the petitioner dated 25.01.2017 in line with the order of this Court in



N.Chandrababu Vs. The Sub Inspector of Police in W.P.(MD)No.7056 of 2017, and return the passport to the petitioner as expeditiously as possible, reserving the right to get back the same as and when required. No costs.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.rict.

+1cc to Mr.G.RAJARAMAN, Advocate, SR.83516

+1cc to Mr.F.DEEPAK, Advocate, SR.83671

W.P(MD)No.2226 of 2017
25.10.2017

dsk

KK/SKN RSK/SAR 1/08.11.2017/ 3P- 4C/