

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20976 of 2017

and

WMP.No.21864 of 2017

S.Martin

... Petitioner

Vs

1.The Regional Passport Officer,
Coimbatore
1st Floor, Corporation Commercial Complex,
Avinashi Road, Coimbatore - 641 018.

2.Commissioner of Police,
Central Crime Branch,
Chennai.

3.The Joint Director of Enforcement
Directorate, Chennai Zonal office,
Government of India.
(R3 suomotu impleaded as per the order
of this Court dated 20.02.2018)

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the order of the first respondent bearing File No.CB1079696903516 dated 10.02.2017 and to quash the same as illegal and having been passed without any jurisdiction and to direct the first respondent to consider the petitioner's passport application bearing Reference No.17-1005121143 dated 16.05.2017 filed for the re-issuance of the passport No.Z3709471.

For Petitioner : Mr.P.S.Raman, SC for
Mr.S.N.Kirubanandan

For R1 : Mr.N.Ramesh, Standing Counsel

For R2 & R3 : Mr.V.Parivallal

ORDER

The petitioner has come up with the present writ petition to quash the order dated 10.02.2017, passed by the first respondent, whereby, his request for grant of passport was not considered, based on the reasons set out therein. It was also

advised to the petitioner to apply for reissue of passport along with a copy of Court order once the pending criminal cases are disposed of and after expiry of one year.

2.The learned Senior Counsel for the petitioner submitted that the petitioner is the highest tax payer and owns properties worth crores of rupees and is in urgent need of passport, however, his request was not considered by the respondent, due to pendency of the criminal cases, though there is a circular to the effect that the pendency of the criminal case is not a bar for issuance of passport.

3.Today, the learned counsel for the first respondent produced a memo dated 10.09.2018 filed by the first respondent, wherein, in para 6, it has been averred as follows:

"6.In such circumstances, it is respectfully submitted that the petitioner may be directed to

(i)file an undertaking-affidavit with full and correct details of number criminal cases pending against him within India, as required under Circular dated 21.08.2014 by the Ministry of External Affairs, Govt. of India; and

(ii)the petitioner may be advised to obtain permission of the concerned trial courts to travel abroad in accordance with above notification G.S.R. No.570(E) for issuance of Passport with validity of One year and thus render justice."

4.In reply, the learned Senior Counsel for the petitioner, on instructions, submitted that the petitioner is ready and willing to furnish all the particulars with full and correct details relating to the criminal cases pending against the petitioner. The learned Senior Counsel further submitted that the petitioner would file necessary applications for appropriate orders/permission from the concerned trial Court for issuance passport and furnish the same to the respondents.

5.In such circumstances, the impugned order passed by the first respondent needs interference and hence, the same is set aside. The petitioner is directed to approach the respondent by filing an application seeking issuance of passport, with full and correct details relating to pendency of the criminal cases against him and enclosing all the required order/permission obtained from the trial Court. On such approach, the respondent shall consider the same on merits and in accordance with law, for issuing passport.

6.The writ petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

To

1.The Regional Passport Officer,
Coimbatore, 1st Floor, Corporation Commercial Complex,
Avinashi Road, Coimbatore - 641 018.

2.Commissioner of Police, Central Crime Branch, Chennai.

3.The Joint Director of Enforcement, Directorate, Chennai Zonal
office,
Government of India.

+1 CC to Mr.N. Ramesh, Advocate sr 63091.

+2 ccs to Mr.N. Kirubanandam, advocate sr 62729.

+2 Ccs to Mr.V. Parivallal, Advocate sr 62536.

W.P.No.20976 of 2017

SP(14/09/2018)

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