

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.10909 of 2018

Veenita Gupta

...Petitioner

Versus

1. Union of India
rep. by its Secretary,
Ministry of External Affairs,
New Delhi.

2. The Regional Passport Officer,
Rayala Towers No.2 and 3,
IV Floor, Mount Road,
Chennai-600 002.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to renew reissue the Passport No.R0841257 and issue the same to the petitioner with immediate effect.

For Petitioner : Mr.V.S.Venkatesah

For Respondents: Mr.T.L.Thirumalaisamy, CGSC

ORDER

The Writ Petition has been filed, seeking to issue a Writ of Mandamus, directing the 2nd respondent to renew the Passport No.R0841257 and issue the same to the petitioner with immediate effect.

2. Learned Counsel appearing for the petitioner submitted that the petitioner had applied Online vide Ref.No.18-1000448007 for renewal of his old passport bearing No.R0841257 which was going to expire on 31.5.2018. Further, the criminal case in C.C.No.18/2009 on the file of the XIV Additional Special Judge for CBI cases was ended in favour of the petitioner vide judgment dated 29.12.2017. Accordingly, the case in C.C.No.34/2008 instituted by the Central Crime Branch ACB, Chennai in RC.No.MA1 2005 A0031 for alleged offences under Sections 11,12, 13(1)(d) of the Prevention of Corruption Act, 1988, was also ended in favour of the petitioner after

completion of trial vide judgment dated 30.4.2012 and thus, the petitioner was acquitted in both the criminal cases. Therefore, the respondents cannot unnecessarily prolong to renew the passport of the petitioner. Hence, the learned Counsel for the petitioner prays to issue a direction to the respondents in this regard.

3. Mr.T.L.Thirumalaisamy, learned Central Government Standing Counsel submitted fairly admitting the statement made by the learned Counsel for the petitioner that both the criminal cases were ended in favour of the petitioner submitted that six weeks time may be granted for issuance of renewed passport to the petitioner. The learned Counsel further submitted that the 2nd respondent has also written to the C.B.I., Chennai to verify whether the statement made by the petitioner that two criminal cases were decided in favour of the petitioner is genuine.

4. The right to travel abroad for which a passport is a sine qua non has been recognised by the Hon'ble Apex Court in Maneka Gandhi Vs. Union of India [(1978) 1 SCC 248] as a fundamental right. For refusal of a passport or renewal, a case against the applicant should be pending in a criminal Court. This aspect has also been considered in a well speaking order passed by the Jaipur Bench of Rajasthan High Court in Nilesh Heda Vs. Union of India and others (S.B. Civil Writ Petition No.14683/2015, dated 14.10.2015). In the present case, as stated above, both the cases registered against the petitioner were decided in his favour and he was acquitted from the criminal case.

5. In Punambhai Vs. State of Gujarat and others (Cr.Ma.No.6136 of 2010, dated 06.12.2010, it has been held by the Gujarat High Court that any appeal pending against the order of acquittal is no ground for refusing to issue the passport, especially when the order passed by the trial Court is in favour of the applicant and it is for the reason that due to heavy workload and huge piling of pending cases it is likely that acquittal appeal filed by the State would not be taken up for hearing in couple of years and till then the applicant cannot be denied for issuance of passport.

6. In view of the above and also considering the facts and circumstances of the matter, since both the criminal cases have already been ended in favour of the petitioner, the 2nd respondent is directed to renew the Passport No.R0841257 and issue the new passport to the petitioner, within a period of four weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-ix)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Union of India,
Ministry of External Affairs,
New Delhi.
2. The Regional Passport Officer,
Rayala Towers No.2 and 3,
IV Floor, Mount Road,
Chennai-600 002.

+1cc to Mr.TL.THIRUMALAI SAMY, Advocate, S.R.No.48410
+2cc to Mr.V.S.VENKATESH, Advocate, S.R.No. 48196

W.P.No.10909 of 2018

TR(26/07/2018)

सत्यमेव जयते
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