

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.21140 of 2018

R. Palanisamy

.. Petitioner

versus

1. The Regional Passport Officer,
Chennai Royala Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002.

2. The Superintendent of Police,
Villupuram,
Villupuram District.

3. Inspector of Police,
Thirunavalur Police Station,
Ulunthurpet.

... Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent issued in letter No.SCN/307035811/18 dated 02.05.2018 and to quash the same and consequently to direct the first respondent to issue renewal passport on the application made by the petitioner dated 08.03.2018 considering the order passed by the learned Judicial Magistrate in FIR.No.446 of 2011 dated 08.07.2017.

For Petitioner : Mr.S.Saravanakumar

For R1 : Mr.K.Ramanamoorthy
Central Government Standing Counsel

For RR2 & 3 : Mr.E.Balamurugan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition to call for the records of the first respondent issued in letter No.SCN/307035811/18 dated 02.05.2018 and to quash the same and

consequently to direct the first respondent to issue passport based on the application made by her on 08.03.2018 considering the order passed by the learned Judicial Magistrate in FIR.No.446 of 2011 dated 08.07.2017.

2. The petitioner had applied for renewal of passport on 08.03.2018 and the renewed passport is also issued, which is valid till 07.03.2028. While so, it is found that there is an adverse police verification report corresponding to the application of the petitioner. The passport authority - the first respondent had issued notice under Section 10(3)(b) of the Passports Act, 1967 calling upon the petitioner to surrender the Passport No.Z4460982 immediately to them along with explanation within 21 days from the date of receipt of the said notice. However, the petitioner even without doing so has rushed to this Court by filing the above petition.

3. In paragraph 6 of the counter affidavit, it is stated by the first respondent that the Police Clearance Certificate (PCC) is required by many foreign Governments for considering applications for resident status, employment or long term visa or for immigration. As per instructions contained in Chapter 14 of the Passport Manual 2016, Passport issuing authorities may grant Police Clearance Certificate to Indian passport holders, subject to receipt of clear police verification report in the system.

4. Heard Mr.S.Saravanakumar, learned counsel appearing for the petitioner and Mr.K.Ramanamoorthy, learned Central Government Standing Counsel appearing for the first respondent and Mr.E.Balamurugan, learned Special Government Pleader appearing for the respondents 2 & 3.

5. There seems to be a Criminal Case in Crime No.446 of 2011 against the petitioner. However, the same is dropped. It is evident from the letter of the Police Inspector and also the endorsement of the learned Judicial Magistrate No.II, Ulundurpet, that in the above said Crime No. 446 of 2011 further action is dropped. It would have been made simple, had the petitioner approached the authorities, as indicated in the impugned notice, and produced all these documents instead of rushing to this Court to file the above writ petition.

6. Hence, the petitioner is directed to approach the police authorities seeking Clearance Certificate within a period of two weeks from the date of receipt of a copy of this order and the Police Clearance Certificate may be issued by the third respondent within a period of two weeks thereafter. The petitioner is also directed to produce those documents before the first respondent-passport authority to show that no criminal

case is pending against him. On production of the said documents, the first respondent shall pass appropriate orders in accordance with law.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Regional Passport Officer,
Chennai Royala Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002.
2. The Superintendent of Police,
Villupuram,
Villupuram District.
3. Inspector of Police,
Thirunavalur Police Station,
Ulunthurpet.

+1cc to Government Pleader in sr.no.83997
+1cc to Mr.S.Saravanakumar, Advocate sr.no.83569
+1cc to Mr.K.Ramanamoorthy, Advocate sr.no.83365

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ssd(co)
nr 03/01/2019

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