

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12875 of 2018

John Prabakar

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Chennai-600 002.

2.S.Ganesh
The Senior Superintendent (Policy),
Regional Passport Office,
Chennai-600 002.

... Respondents

(R2 Name deleted as per order dated 24.05.18 in WP.12875/18)

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to renew the passport of the petitioner (passport No.Z1745069) by considering the representation made by the petitioner on 11.04.2018 and pass necessary orders within a time frame.

For Petitioner : Mr.Aruna Elango

For Respondents : Mr.B.Ramesh Kumar for R1

R2- name deleted.

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner is the President of Indo Poland Chamber of Commerce and Industry (IPCC) in Tamil Nadu since 2003 and he used to travel quite often to most of the European countries. The petitioner is the holder of passport bearing No.Z1745069 and it is about to expire on 23.07.2018. Hence, the petitioner approached the Regional Passport Office, Chennai on 10.04.2018 and submitted necessary application along with documents, seeking renewal of his passport. However, the second respondent rejected the same on the ground that there were cases pending against him as there was an endorsement made in the passport by the CBI officials. The petitioner immediately clarified the second respondent that the said cases were disposed of in his favour and as on that there are no cases pending against him and inspite of the same, the second respondent has not renewed his passport.

3. The petitioner would state that in respect of the case in C.C.No.4786 of 1993 on the file of the Additional Chief Metropolitan Magistrate Court, Egmore, the petitioner was discharged as early as in the year 2011, vide order dated 02.08.2011. As regards the case in Crime No.3068/2009 on the file of the Deputy Superintendent of Police, CBCID, Vellore, by virtue of the order passed by the Hon'ble Supreme Court of India in SLP(Civil) No.17999 of 2013, the II Additional District Judge/Special Judge (CBI Cases), Coimbatore closed the case pending in C.C.No.2/2013.

4. The learned counsel for the petitioner would submit that inspite of the explanation offered by the petitioner as to the closure of the above cases pending against him, the respondents have not renewed his passport and therefore, the petitioner has been constrained to approach this Court by filing this writ petition.

5. Per contra, Mr.B.Ramesh, learned Standing Counsel appearing for the respondents would submit that since criminal cases are pending against the petitioner, his passport could not be renewed.

6. In response, the learned counsel appearing for the petitioner would submit that the petitioner is ready to approach the passport authority for enquiry and satisfy the concerned official regarding the same.

7. In the light of the above facts and circumstances, the petitioner is at liberty to approach the respondents and submit all the relevant documents in support of his claim on or before 30.05.2018 and upon the receipt of the same, the respondents shall conduct an enquiry and if they are satisfied that the

explanation and the documents furnished by the petitioner are found to be in order, they are at liberty to renew the petitioner's passport and pass appropriate orders in accordance with law within a period of ***ten days** thereafter.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar/Vacation Officer

Corrected order to be issued SAR

sd/-

Sub.Assistant Registrar

31/05/2018

//True Copy//

Sub Assistant Registrar

To

1.The Regional Passport Officer,
Regional Passport Office,
Chennai-600 002.

**To be substituted to the
order already dispatched
on 29/05/2018**

2.The Senior Superintendent (Policy),
Regional Passport Office,
Chennai-600 002.

+2cc to Mr.Aruna Elango, Advocate sr.no.34139

+1cc to Mr.D.Ramesh Kumar, Advocate sr.no.34132

सत्यमेव जयते

W.P.No.12875 of 2018

nr 28/05/2018

nr 31/05/2018

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