

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23956 of 2018

and

WMP No.27903 of 2018

Shabu Kottoli Parambil Adimaikutty Shabu ... Petitioner

Vs

The Regional Passport Officer,
Regional Passport Office,
4th Floor, Chennai Rayala Towers Nos.2 and 3
Old No.785, New No.158, Anna Salai
Chennai - 600 002. Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to the impugned letter dated 03.09.2018 in Letter Ref.No.SCN/307568943/18, quash the same and consequently direct the respondent drop any further proceedings pursuant to letter Ref.No.SCN/307182887/18 dated 01.06.2018 besides permitting the petitioner to travel abroad using the passport bearing No.Z4461563.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondent : Mr.Ashok Kumar, Standing Counsel

ORDER

This writ petition has been preferred against the communication dated 03.09.2018 sent by the respondent.

2.According to the petitioner, since the pages found in his passport were exhausted, he applied for re-issuance of passport through a travel agent and got a new passport bearing No.Z4461563 from the respondent on 16.03.2018. Subsequently, by a letter dated 01.06.2018, he was called upon to explain about the adverse police report and suppression of the criminal case pending against him. Immediately, he sent his detailed explanation on 10.06.2018. Thereafter, no enquiry was conducted and no order was passed. Hence, the petitioner filed a writ petition in WP.No.18580 of 2018, wherein, the learned counsel

for the respondent, on instructions, submitted that the respondent authorities have only sent a notice, calling upon the petitioner to explain with regard to non-disclosure of the information relating to pendency of the criminal case against him and they have not curtailed the right of the petitioner to go abroad. Recording the same, that writ petition was disposed of on 14.08.2018. Despite the same, the respondent sent the impugned communication dated 03.09.2018, directing the petitioner to obtain permission from the Judicial Magistrate Court, Alandur to travel abroad. Therefore, the petitioner is before this Court.

3.Today, when the matter is taken up for consideration, the learned Standing Counsel appearing for the respondent, on instructions, submitted that the respondent authorities are not giving effect to the letter dated 03.09.2018, but they are expecting the petitioner to appear for enquiry, which has been agreed by the learned counsel for the petitioner. The said submission made by the learned Standing Counsel appearing for the respondent is recorded.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the petitioner to appear before the respondent for enquiry on 05.10.2018. As the petitioner has already submitted his explanation, the respondent shall conduct the enquiry and complete the same on that day itself.

5.This writ petition stands disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Regional Passport Officer,
Regional Passport Office,
4th Floor, Chennai Rayala Towers Nos.2 and 3
Old No.785, New No.158, Anna Salai
Chennai - 600 002.

+1cc to Mr.S.Haja Mohideen Gisthi, Advocate sr.no.67662
+1cc to Mr.Ashok Kumar, Advocate sr.no.67746

W.P.No.23956 of 2018

nr 01/10/2018