

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.18793 of 2018 and
W.M.P.No.22140 of 2018

Roopa

... Petitioner

Vs.

- 1.The Director General of Police,
Radhakrishnan Salai, Mylapore, Chennai.
- 2.The Superintendent of Police,
Tiruvarur, Tiruvarur District.
- 3.The Deputy Superintendent of Police,
Tiruvarur, Tiruvarur District.
- 4.The Inspector of Police,
Kuthanallur, Tiruvarur District.
- 5.The Regional Passport Officer,
Royala Towers, No.2 and 3, 4th Floor,
Old No.785, New No.158,
Annasalai, Chennai, Tamil Nadu - 600 002.
- 6.The Regional Passport Officer,
Municipal Water Tank Building,
W.B.Road, Tiruchirapalli, Tamil Nadu - 620 008.
- 7.The Airport Authority of India,
Chennai International Airport (TATA Code: MMA),
GST Road, Meenambakkam, Chennai,
Tamil Nadu - 600 027.
- 8.The Airport Authority of India,
Tiruchirapalli International Airport (TR2),
Trichy Airport Road, Thirunagar,
Tiruchirapalli.
- 9.The Airport Authority of India,
International Terminal (Code lxm),
Madurai Airport, Madurai, Tamil Nadu - 625 022.

10.Baskar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents 1 to 4 to consider the petitioner's

representation dated 03.07.2018 and not issue NOC to renew passport and direct the 6th respondent not to re-new the passport of the 10th respondent Baskar, son of Natarajan, Passport No.E-5662404, Place of Issue: Consulate General of India - Dubai and to pass order on the representation.

For Petitioner : Mr.J.Milton Arul Rajendran
For Respondents: Mr.V.Jayaprakash Narayanan,
Special Government Pleader (R1 to R4)
Mr.M.Palanimuthu,
Standing Counsel (R7 to R9)

O R D E R

This Writ Petition has been filed seeking mandamus to direct the respondents 1 to 4 to consider the petitioner's representation dated 03.07.2018 and not to issue NOC to renew passport and also direct the 6th respondent not to re-new the passport of the 10th respondent.

2.The learned counsel for the petitioner submitted that the 10th respondent is the husband of the petitioner. In view of matrimonial dispute, a criminal case has been registered against him in C.C.No.27 of 2007 for the offences under Section 498 (A), 506(ii) of IPC. The above case was taken on file by the Judicial Magistrate No.2, Mannargudi in C.C.No.103 of 2009. Even during the pendency of said case, the 10th respondent went abroad. Although NBW was issued, the same is pending for several years. Only after steps being taken through Consulate, the 10th respondent appeared before the Court. Yet another case was filed by the petitioner under the Domestic Violence Act in D.V.C.No.6 of 2015 on the file of the Judicial Magistrate No.2, Mannargudi seeking monthly maintenance, wherein the Court had passed an order directing the 10th respondent to pay monthly maintenance of Rs.4,000/- to the petitioner. But till date, the said order has not been obeyed. Against the said order, the 10th respondent had preferred Crl.M.P.No.10 of 2018 on the file of the Principal District Court, Tiruvarur seeking to reduce the maintenance amount. In the mean time, the petitioner had also filed an appeal for enhancement of the maintenance amount. The petitioner had also filed a suit for partition in O.S.No.163 of 2016 on the file of the Sub Court, Mannarkudi against the 10th respondent and his family members. Thereafter, the 10th respondent had filed a petition for divorce in H.M.O.P.No.2 of 2018 on the file of the Sub Court, Mannarkudi and the same is also pending. If the 10th respondent is permitted to go abroad, he might not return and the pending cases could not be disposed of at all.

3.This Court is not inclined to entertain the prayer sought for in the Writ Petition. When the 10th respondent states that it is difficult to find employment in India and hence, secured employment outside, the petitioner cannot seek

for injunction not to issue NOC to renew the passport of the 10th respondent and also not to renew the passport. This Court finds no merit in the Writ Petition and hence, the same fails. It is open to the petitioner to work out her remedy in the manner known to law, however, she cannot seek for a relief which cannot be legally granted.

4. In the result, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

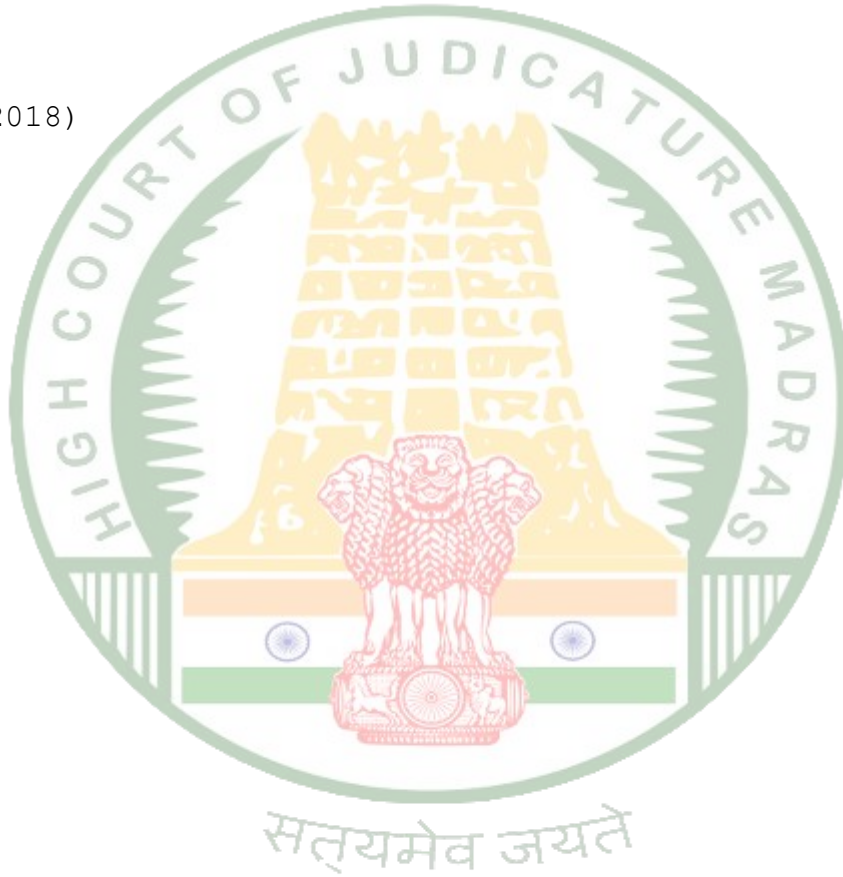
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+ 1 cc to Mr. Government Pleader SR.49953

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(CS-DR)
EU(09/08/2018)



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