



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.1141 of 2018
and
W.M.P (MD) Nos.1221 and 1222 of 2018

Sathish Kumar Jeyaraman

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai, Madurai District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for records relating to the impugned communication dated 30.06.2017 issued by the Respondent in his proceedings in letter Ref. No.IMP/305666631/17 bearing file No.MD10797 96053516 and quash the same consequently direct the respondent to permit the petitioner to use the passport bearing Passport No.P5544517 dated 02.12.2016 to travel abroad pending criminal case in CC No.201 of 2016 on the file of learned Judicial Magistrate No.IV Madurai.

For Petitioner
For Respondent

: Mr.B.Prahalad Ravi
: Mr.V.Kathirvelu, ASGI
assisted by Mr.M.Rajarajan, G.A

ORDER

According to the petitioner, the petitioner has obtained passport on 02.12.2016 which is valid upto 01.12.2026. However, the petitioner has received a communication dated 19.12.2016 from the respondent stating that a criminal case in C.C.No.201 of 2006 is pending on the file of the Judicial Magistrate IV, Madurai and the said information has been suppressed by the petitioner in the passport application. Hence, the petitioner was directed to give explanation. According to the petitioner, after receipt of the show cause notice, he appeared before the respondent in person on 21.12.2016 and given explanation. However, the respondent without considering the explanation given by the petitioner, passed the impugned order impounding his passport. Challenging the same, the present writ petition has been filed.



2. Heard Mr.B.Prahalad Ravi, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, learned Assistant Solicitor General of India appearing for the respondent.

3. Mr.V.Kathirvelu, learned Assistant Solicitor General of India submitted that the show cause notice was issued as early as on 14.03.2017 but the petitioner did not appear before the authorities and raise his objection. In the above circumstances, the authorities have no other option except to pass the impugned order impounding the petitioner's passport.

4. Considering the fact that the impugned order has been passed without giving an opportunity to raise his objection and in order to give one more opportunity to the petitioner, the impugned order passed by the respondent is set aside and the petitioner is directed to appear before the respondent on 29.01.2018 and file his objection, if any and in the event of any objection is received, the respondent is directed to consider the same and pass suitable orders on merits and in accordance with law, on or before 02.02.2018. It is also made clear that if the petitioner fails to appear on that day, the impugned order shall stand confirmed.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD) Nos.1221 and 1222 of 2018 are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai, Madurai District.

+ 1 CC TO Mr.B.PRAHALAD RAVI, ADVOCATE IN SR No. 43316

SMS

TE/SKN-RSK/SAR-1 : 25/01/2018 : 2P/3C

Writ Petition (MD) No.1141 of 2018 and
W.M.P(MD) No.1221 and 1222 of 2018
22.01.2018