



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P.(MD)No.1733 of 2018

G.V.Govindarajan

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Madurai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to issue a passport to the petitioner by applying clause (d) of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.298 (E), dated 14th April, 1976 within the time period stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondent : Mr.J.Jeyakumaran

ORDER

The Writ petition has been filed for a direction to direct the respondent to issue passport to the petitioner by applying clause (d) of the notification of the Government of India in the Ministry of External Affairs No. G.S.R.298 (E), dated 14th April, 1976.

2.According to the petitioner he has filed an application before the respondent seeking passport. After receipt of the said application, the respondent issued notice to the petitioner on 19.12.2017 stating that the petitioner, while filing the application, has suppressed the fact that two criminal cases are pending against him in S.T.C.No.1120 of 2016 on the file of the learned Judicial Magistrate, No.II, Srivilliputhur and in C.C.No.183 of 2016 on the file of the learned Judicial Magistrate, Aruppukottai, according to the petitioner both the cases are false cases foisted against him. In view of the pendency of the above said criminal proceedings, the respondents are not issuing passport. In such circumstances, the present Writ Petition has



3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

4. Admittedly, since two criminal cases are pending against the petitioner and in view of the pendency of the above criminal proceedings, the petitioner is not entitled to get passport, in view of the Section 6(2) (f) of the Passport Act. However, in view of the notification issued by the Government of India in G.S.R.No.298 (E), dated 14th April, 1976, if the petitioner wants to travel abroad, he has to approach the concerned Trial Court, seeking permission to travel abroad and in the event the trial Court granting permission, he can approach the respondent seeking passport. But he cannot compel the passport authorities to issue passport, in view of the pendency of the criminal proceedings against him.

5. In the said circumstances, the relief sought for by the petitioner cannot be granted. However, it is always open to the petitioner to approach the concerned criminal Court seeking permission to travel abroad and if such permission is granted, he can approach the respondent passport authorities seeking issuance of passport.

6. This Writ petition is disposed of accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Regional Passport Officer,
Regional Passport Office,
Madurai.

+2cc to Mr.J.Jeyakumaran, Advocate Sr.No.45617
+1cc to Mr.T.Thirumurugan, Advocate Sr.No.45355

TA

VB/KK/SAR2/20.02.2018/2P/5C

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