



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANW.P (MD) No.3706 of 2018

WEB COPY

S.Rishidharan

.. Petitioner

Vs.

1.The Ministry of Foreign Affairs,
Government of India,
rep.by its Secretary,
New Delhi.

2.The Regional Passport Officer,
Tiruchirapalli,
Tiruchirapalli District.

3.The Inspector of Police,
All Women Police Station,
Srirangam,
Tiruchirapalli District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to renew the current passport of the petitioner bearing No.P2435111 without insisting for a court order consider the petitioner's application dated 04/02/2018 in application Reference No.18-1001221485 for a period of ten years.

For Petitioner	:	Mr.G.Prabhu Rajadurai
For R1 & R2	:	Mr.V.Kathirvelu Assistant Solicitor General (*)assisted by Mr.G.Rajaraman, Standing Counsel
For R3	:	Mr.Aayiram K.Selvakumar Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents 1 and 2 to renew the current passport of the petitioner bearing No.P2435111 without insisting for a court order.

2.Earlier, the petitioner has been issued with a passport, which expired on 05.02.2018. Then the petitioner has filed an application for re-issuance of passport and the same is pending without passing any orders. Hence, this writ petition has been filed.



3.Today, when the matter is taken up for hearing, the learned Assistant Solicitor General Appearing for the respondents 1 and 2 submitted that based on the complaint given by the petitioner's wife, a criminal case is pending against him under Section 498(A) IPC, in C.C.No.91 of 2016 on the file of the Additional Mahila Court, Tiruchirapalli. Hence, the second respondent is not in a position to issue passport.

4.In the above circumstances, since a criminal proceeding is pending against the petitioner, in view of Section 6(2)(f) of the Passport Act, the respondent cannot issue passport. However, as per the notification issued by the authorities, if the petitioner wants to travel abroad pending criminal proceedings, it is always open to him to approach the concerned trial Court and make an application seeking permission to travel abroad. If any such application is filed, the concerned trial Court is directed to consider the application and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

5.With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

**(*)AMENDED AS PER ORDER OF THIS HON'BLE
COURT DATED:14.03.2018.**

/True Copy/

Sub-Assistant Registrar

To

(*)TO BE SUBSTITUTED ORDER ALREADY DESPATCHED ON 09.03.2018

1.The Secretary, The Ministry of Foreign Affairs,
Government of India,
New Delhi.

2.The Regional Passport Officer,
Tiruchirapalli,
Tiruchirapalli District.

3.The Inspector of Police,
All Women Police Station,
Srirangam, Tiruchirapalli District.

+One cc to The Special Government Pleader, SR.No.51003

+Two cc to M/s.G.Rajaraman, Advocate, SR.No.50331 and 55209

+One cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.50811

mj

RL/7C/2P/KKR/SAR4/9/3/2018