



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.806 of 2018andWMP(MD)No.875 of 2018

Athimuthan Natarajan

.. Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai - 625 002,
Tamil Nadu.

2.The Inspector of Police,
Palamedu Police Station,
Alanganallur,
Madurai District.

... Respondents

(R2 impleaded vide Court order
dated 01/03/2018 in WMP.(MD).No.1426/18)

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent dated 15.12.2017 and to quash the same as illegal and consequently direct the respondent herein to release the petitioner's passport in passport No.R4732360 dated 12.10.2017.

For Petitioner	: Mr.M.Thirunavukkarasu
For R1	: Mr.S.Jeyasingh
For R2	: Mrs.J.Padmavathi Devi
	Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent, directing the petitioner to surrender his passport due to adverse inputs received from the police.

2.According to the petitioner, earlier, he was issued with a passport, which was expired in the year 2017. Subsequently, he filed an application on 12.10.2017 for re-issuance of passport. In the meantime, the first respondent has issued a communication to the petitioner calling upon him to offer his explanation with regard to pendency of a criminal case in Crime No.75 of 2015 on the file of the Palamedu Police Station. Thereafter, on 15.12.2017, the first



respondent has passed the impugned order, directing the petitioner to surrender his passport. Challenging the same, this writ petition has been filed.

3.The learned counsel appearing for the petitioner submitted that even though a criminal case is pending against the petitioner, on the date of filing application, due to inadvertence, the petitioner did not mention the same in the application. However, the above criminal case is only under the stage of investigation and so far no final report has been filed. Further, on the ground of pendency of a criminal case, the first respondent cannot impound the passport.

4.The learned counsel appearing for the first respondent submitted that already a notice has been issued to the petitioner to surrender his passport and now, enquiry is pending and it is open to the petitioner to appear before the first respondent and submit his explanation.

5.The learned counsel appearing for the second respondent, on instructions, submitted that the above criminal case is only at the investigation stage and so far, no final report has been filed.

6.Considering the fact that now enquiry is pending with the first respondent, the petitioner is directed to appear before the first respondent on 19.03.2018 and submit his explanation. On receipt of such explanation, the first respondent is directed to consider the same and pass orders on merits and in accordance with law on or before 23.03.2018.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, WMP(MD)No.875 of 2018 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1 The Inspector of Police, Palamedu Police Station,
Alanganallur, Madurai District.

2.The Regional Passport Officer, Regional Passport Office,
Madurai, Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002, Tamil Nadu.

+1cc to M/S.S.Jeyasingh, Advocate SR.No. 54042

+1cc to M/S.M.Thirunavukkarasu, Advocate SR.No. 54041

+1cc to Special Government Pleader, SR.No. 54593

WP (MD) No.806 of 2018

09.03.2018