

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26..09..2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.27563 of 2009

L.Balaji

... Petitioner

-Versus-

1.The Passport Officer,
80 Feet Road, 8th Block,
Koramangala,
Bangalore 560 095.

2.Mrs.Rupa Srinivasan

3.The Regional Passport Officer,
Shastri Bhavan,
Nungambakkam,
Chennai 600 034.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records in connection with the impugned proceedings of the 1st respondent bearing Ref.No.26/POL/2577/09 dated 04.12.2009 and to quash the same.

For Petitioner

: Mr.V.Prakash for
Mr.K.Sudalaikannu

For Respondent(s)

: Mr.A.Jenesenan for R2
Mr.L.J.Vengatesh CGSC
for RR1 and 3

ORDER

Challenge in this writ petition is to the show cause notice dated 04.12.2009 issued by the 1st respondent calling upon the petitioner to submit his explanation as to why action should not be initiated under Section 10(3)(e) of The Passport Act, 1967 for impounding the passport on the ground of pendency of a criminal case against him.

2. The petitioner is the husband of the 2nd respondent. Based on a complaint given by the 2nd respondent, a criminal case was registered against the petitioner and same is now pending in C.C.No.24542 of 2009 on the file of the VIII City Metropolitan Magistrate at Bangalore. In the above said criminal case, a non bailable warrant has been issued against the petitioner and the same was pending for execution. Under the above circumstances, the 1st respondent has issued the impugned show cause notice. It is this show cause notice which is now under challenge in his writ petition.

3. The learned counsel for the petitioner would submit that the passport in question was issued by the passport authority in Chennai and hence, the 1st respondent who is the Regional Passport Officer at Bangalore cannot have jurisdiction to issue the impugned show cause notice for impounding the passport of the petitioner on account of pendency of criminal case before a Criminal Court in Bangalore. The learned counsel further submitted that merely because a criminal case is pending in a court at Bangalore, the 1st respondent cannot issue a show cause notice for impounding the passport and it is for the 3rd respondent to take action under 10(3)(e) of The Passport Act.

4. Admittedly, there is a criminal case pending against the petitioner before the VIII Additional City Metropolitan Magistrate at Bangalore. In view of the pendency of the criminal case, the 1st respondent has issued the impugned show cause notice for impounding the passport under Section 10(3)(e) of the Passport Act. Under Section 10 of the Passport Act, the passport authority is empowered to impound a passport, if proceedings in respect of an offence alleged to have been committed by the holder of the passport are pending before a criminal court in India. In view of the above, the contention of the learned counsel for the petitioner that the Regional Passport Office which had issued the passport alone has got jurisdiction to impound the same cannot be countenanced. What has been given to the petitioner is only a show cause notice and if at all he has got any grievance, he can very well approach the 1st respondent and submit his explanation to the show cause

notice and in such event, it is for the 1st respondent to decide the matter further. In such circumstances, no relief could be granted in this writ petition and the writ petition deserves only to be dismissed.

In the result, this writ petition is dismissed with the above observations. No costs.

Sd/-
Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Passport Officer, 80 Feet Road,
8th Block, Koramangala,
Bangalore 560 095.

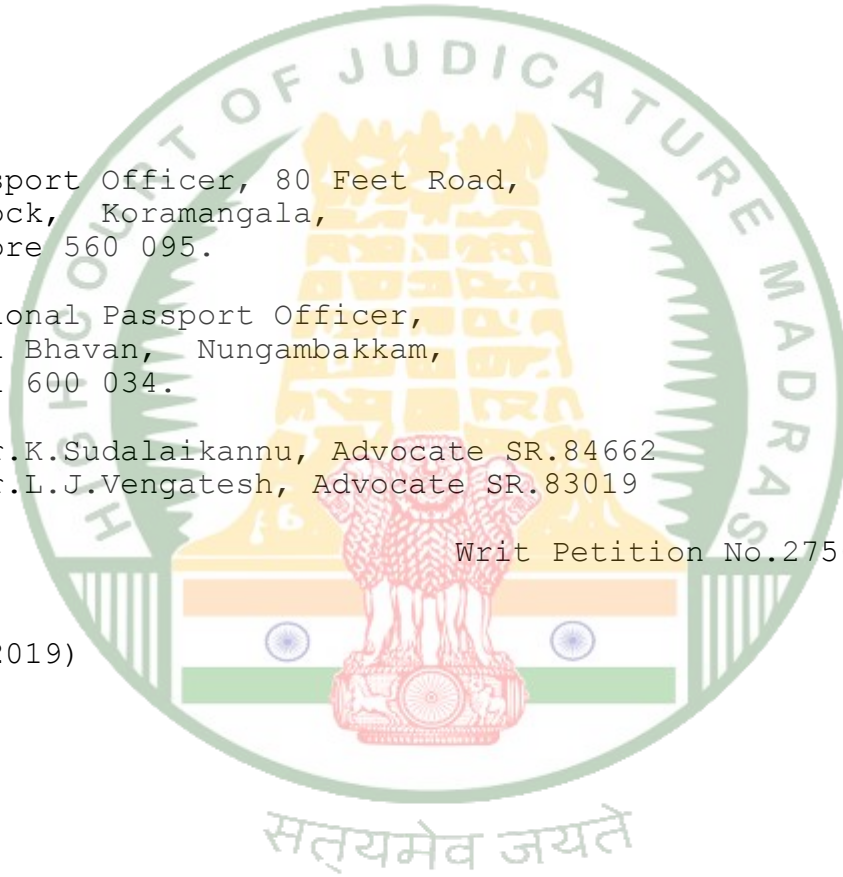
2.The Regional Passport Officer,
Shastri Bhavan, Nungambakkam,
Chennai 600 034.

+1cc to Mr.K.Sudalaikannu, Advocate SR.84662

+1cc to Mr.L.J.Vengatesh, Advocate SR.83019

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MG(CO)
CB(06/12/2019)



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