

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.6295 of 2019

and

WMP.No.7136 of 2019

J.V.N.Arun Kumar

...Petitioner

Vs.

1.The Passport Officer
Royala Towers
No.2 and 3, IV Floor
Old No.785, New No.158,
Anna Salai, Chennai-600 002.

2.Dr.S.S.Pachiayappan

3.P.Sasirekai

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to impound the passports namely L 1213628 & E 9166500 of the 2nd and 3rd respondents respectively under Section 10(3) (e) and 10(3) (h) of the Passport Act, 1967.

For Petitioner : Mr.J.V.Niranjan

For Respondent : Mr.G.Baskaran

Central Government
Standing Counsel
for R1

सत्यमेव जयते
O R D E R

The petitioner seeks for a mandamus directing the first respondent to impound the passports namely, L 1213628 & E 9166500 of the second and third respondents respectively under Section 10(3) (e) and 10(3) (h) of the Passport Act, 1967.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3. It appears that the petitioner is having dispute with the respondents 2 & 3 arising out of a loan said to have been extended by the petitioner to the respondents 2 & 3. According to the petitioner, having availed loan from the petitioner, the

respondents 2 & 3 are not returning the money and on the other hand, they are trying to flee out of the country. Therefore, the petitioner contended that he is taking steps against the respondents 2 & 3 to proceed under Section 138 of the Negotiable Instruments Act, and in the meantime, if they are permitted to leave the country, it would prejudice the interest of the petitioner.

4. I do not think that the above stated reasons and circumstances would enable the petitioner to seek the relief as sought for in this writ petition, that too, for impounding the passports of the respondents 2 & 3 by the first respondent. Needless to say that only under the circumstances and reasons stated under the relevant provisions for impounding the passport, the first respondent can exercise his power and not under the present facts and circumstances, which undoubtedly and purely a matter of private dispute between the petitioner and the respondents 2 & 3 in respect of the money transaction, which they have to work out before the competent Court of law by filing appropriate proceedings. Without doing so, the petitioner is not justified in seeking the present relief as stated supra. Accordingly, I find no reason to entertain this writ petition. Thus, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

Mk

To

The Passport Officer
Royala Towers
No.2 and 3, IV Floor
Old No.785, New No.158,
Anna Salai, Chennai-600 002.

+1cc to Mr.G.Baskaran, Advocate, S.R.No. 20615

W.P.No.6295 of 2019

BR(CO)
GN(29/03/2019)