

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10821 of 2019

Mohamed Ali

...Petitioner

Vs.

1. The Regional Passport Officer
Chennai
Loyola Towers
No.2 & 3, IV Floor
Old No.765, New No.158,
Anna Salai, Chennai-600 002.

2. The Inspector of Police
M1-Madhavaram Police Station (L & O)
Madhavaram, Chennai-600 110.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to renew the passport bearing No.H2955590 based on the online application dated 25.02.2019.

For Petitioner : Mr.S.Haroon-AL-Rasheed
for Mr.T.S.Gopalan & Co.,

For Respondents: Ms.Sunita Kumari
Senior Panel Counsel for R1
Mr.S.Soundararajan
Government Advocate for R2

O R D E R

Ms.Sunita Kumari, learned Senior Panel Counsel takes notice for the first respondent. Mr.S.Soundararajan, learned Government Advocate takes notice for the second respondent. By consent of the parties, this main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the 1st respondent to renew his passport bearing No.H2955590 based on his online application dated 25.02.2019.

3. Heard both sides.

4. The petitioner seeks for renewal of his passport. It is stated that such request has not been considered by the 1st respondent on the reason that a criminal case is pending against the petitioner before the Judicial Magistrate, Thiruvallur in C.C.No.62 of 2016. Therefore, the petitioner has approached this Court and filed the present writ petition with the relief as stated supra.

5. Needless to say that when a criminal case is pending against the petitioner, it is for him to approach the Criminal Court and seek for permission to go abroad by filing appropriate application and explaining the reasons and circumstances, warranting filing of such application. Without doing so, the petitioner is not justified in approaching this Court and filing the writ petition seeking with a direction to the 1st respondent to renew his passport.

6. Therefore, this writ petition is disposed of, only by granting liberty to the petitioner to approach the Criminal Court, where the criminal case is pending against him and file appropriate application seeking permission to go abroad. If any such application is filed, it is for the said Criminal Court to consider and pass appropriate orders on the same on its own merits and in accordance with law, as this Court is not expressing any view on the claim made by the petitioner. Based on the order to be passed by the Criminal Court, it is open to the petitioner to approach the 1st respondent and seek for renewal of his passport. The 1st respondent thereafter shall pass final orders on the request made by the petitioner, depending upon the order to be passed by the Criminal Court. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk
To

1.The Regional Passport Officer
Chennai
Loyola Towers
No.2 & 3, IV Floor
Old No.765, New No.158,
Anna Salai, Chennai-600 002.

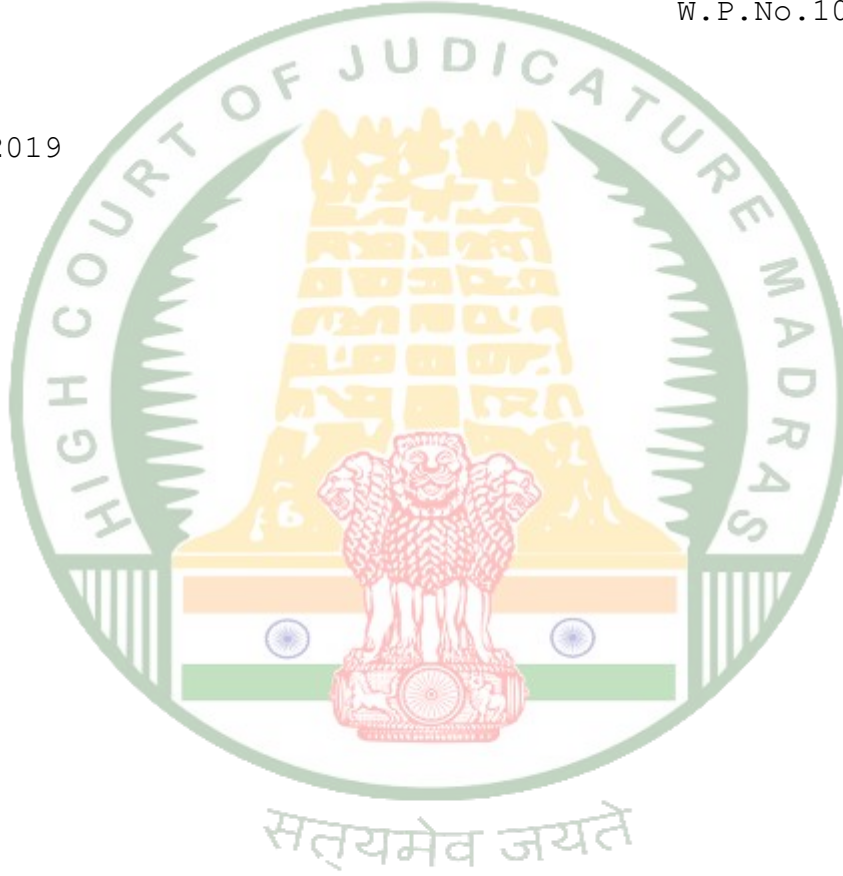
2. The Inspector of Police
M1-Madhavaram Police Station (L & O)
Madhavaram, Chennai-600 110.

3.The Judicial Magistrate,
Thiruvallur.

+1cc to M/S.T.S.Gopalan & Co, Advocate Sr.35391
+1cc to M/S.Sunitakumari, CGSC Sr.35113

W.P.No.10821 of 2019

nrjk[col]
srg 10/5/2019



WEB COPY