

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.04.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.12507 of 2019

A.Gurusamy

...Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
1st Floor, Corporation Commercial Complex,
Opp. Thandumarriamman Koil,
Avinashi Road,
Coimbatore - 641 018. ...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to receive the penalty as per the communication dated 25.03.2019 in Letter Ref.No.PYL/308428555/19 and consequentially direct the respondent to issue the passport to the petitioner.

For Petitioner : Mr.Guruprasad.M.

For Respondents: Ms.Poonam Chopra
Central Government Standing Counsel

O R D E R

Ms.Poonama Chopra, learned Central Government Standing Counsel takes notice for the respondent. By consent of the parties, the main writ petition itself taken up for final disposal.

2. The petitioner seeks for Mandamus to direct the respondent to receive the penalty as per the communication dated 25.03.2019 in Letter Ref.No.PYL/308428555/19 and consequentially direct the respondent to issue the passport to the petitioner.

3. The case of the petitioner is as follows:

He had obtained a passport from the respondent bearing Passport No.H5463018. He lost the passport on 03.01.2019. He lodged a complaint before the Tamilnadu Police on 29.01.2019. The petitioner applied for reissue of passport in online before the respondent on 29.01.2019. On 14.02.2019, a notice was issued by the respondent stating that there has been a suppression of pending criminal proceedings in Crime No.9/2018 and Crime No.26/2016 on the file of Sivagiri Police Station and

respectively. The petitioner is suffering from 'Fungal Corneal Ulcer' in his left eye and undergoing treatment in Aravind Eye Hospital, Coimbatore. The recent treatment warrants the petitioner to go for further treatment to Malaysia, as the condition of the disease has worsen and the petitioner is at the verge of losing his left eye sight. Therefore, the respondent may be directed to reissue the passport to the petitioner.

4. Learned counsel appearing for the respondent submitted that since the criminal cases are pending against the petitioner, he has to obtain permission from the Court so as to enable him to reissue the passport.

5. This Court has already considered similar issue, where the criminal cases are pending and directed the petitioner therein to approach the Criminal Court and seek for permission to go abroad. Therefore, in this case also, the petitioner has to only approach the Criminal Court, where the case is pending and seek for permission. Since it is stated that the petitioner is suffering with some eye problem and he needs treatment at abroad, the petitioner is granted permission to approach the concerned Criminal Court, where the criminal cases are pending and file appropriate application within the period of seven days from the date of receipt of a copy of this order. If any such application is filed, the concerned Criminal Court shall dispose of the said application on merits and in accordance with law, within a period of seven days thereafter. While considering the application filed by the petitioner, the Criminal Court shall take note of the health condition as stated by the petitioner and issue appropriate orders. Granting such liberty to the petitioner, this Writ Petition is disposed of. No costs.

Sd/--

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vsi

To

The Regional Passport Officer,
Regional Passport Office,
1st Floor, Corporation Commercial Complex,
Opp. Thandumarriamman Koil,
Avinashi Road, Coimbatore - 641 018.

+1cc to Mr. Ms. Poonam Chopra , Advocate SR.No. 40483

+1cc to Mr. Guruprasad. M. , Advocate SR.No. 40792

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A.SK(26/04/2019)