

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.22829 of 2019

S.Surya

.. Petitioner

..Vs..

1. The Regional Passport Officer,
Chennai District,
Chennai.
2. The Inspector of Police,
J-10, Chemmenchery Police Station,
Chennai District.

..Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to issue a normal validity passport to the petitioner, making it with a validity for the period of 10 years as contemplated under the Passport Rules, 1980.

For Petitioner : M/s. A. Yamuna

For Respondents : Mr. C.V. Ramachandramoorthy
CGSC for R1
Mr.R. Govindarajan
Special Government Pleader for R2

O R D E R

The petitioner wants a Passport. The petitioner had therefore applied for Passport on 01.03.2017. The Passport officials had forwarded the application seeking police verification whether any criminal case is pending against the petitioner. It was revealed that crime No.723 of 2017 had been registered against the petitioner by the Inspector of Police, J10, Chemmenchery Police Station for offences under Sections 147, 148, 294(b), 307, 323, 324, 506 (II) of IPC and another Crime No.739 of 2017 had been registered by the Inspector of Police, J10, Chemmenchery Police Station, and that the petitioner was able to get an anticipatory bail in Crime No.723 of 2017 by order dated 11.05.2017 in CrI.O.P. No.9438 of 2017.

2. The learned counsel for the petitioner expresses ignorance over registration of FIR in Crime No.739 of 2017 by the Inspector of Police, J10, Chemmenchery Police Station, Chennai. At any rate, it is also represented by the learned counsel for the first respondent that in pursuant to the police verification report, they have issued a show cause notice to the petitioner on 09.06.2017, which was returned as unclaimed. Thereafter, since the petitioner did not appear for enquiry before the first respondent, they had closed the application on 31.01.2019. This was the reason why the petitioner has now come to Court.

3. The petitioner may very well be advised to file a fresh application seeking Passport and in the said application may also be advised to voluntarily disclose the registration of the First Information Reports as against the petitioner herein and also undertake to appear before the concerned Judicial Magistrate Court prior to committal and subsequent to committal and after final report is filed before the concerned trial Court. Based on such undertaking and based on voluntary disclosure of all information in good faith, the first respondent, after making any further enquiries as is required, may proceed in accordance with law and dispose of the application seeking Passport.

4. With these observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Regional Passport Officer,
Chennai District, Chennai.

2. The Inspector of Police,
J-10, Chemmenchery Police Station,
Chennai District.

+lcc to Mr.G.Arun , Advocate SR.No. 105904

+lcc to Mr.C.V.Ramachandran , Advocate SR.No. 105658

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A.SK(31/01/2020)