

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.10.2019
CORAM
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
W.P.No.29344 of 2019

Dr.P.Prabu

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Tower,
No.2 & 3, 4th Floor,
785/158, Anna Salai,
Chennai - 600 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondent to re-issue passport to the petitioner forthwith.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.B.K.Girish Neelakantan

O R D E R

The prayer sought for herein is for a writ of Mandamus directing the respondent to re-issue passport to the petitioner forthwith.

2. It is the case of the petitioner that the respondent has withheld the application filed by him for re-issue of the passport to him on the ground that a criminal case is pending against him.

3. This Court has consistently held that the pendency of a criminal case would mean that the matter should have been taken cognizance by the Competent Judicial Magistrate, upon filing of a charge sheet. Admittedly, in the case at hand, though a criminal case in F.I.R.No.122 of 2014 has been registered against the petitioner, no charge sheet seems to have been filed. The application of the petitioner for a copy of the charge sheet has also been returned by the learned Judicial Magistrate.

4. Hence, in my considered opinion, the respondent is not right in withholding the passport of the petitioner. A similar issue has also been answered in the decision of this Court in W.P.(MD).No.6881 of 2017 dated 28.04.2017.

In view of the foregoing discussion, this writ petition is allowed by directing the respondent to re-issue the passport to the petitioner forthwith.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Regional Passport Officer
Regional Passport Office
Chennai Royala Tower
No.2 & 3, 4th Floor,
785/158, Anna Salai,
Chennai - 600 002.

+1cc to Mr.S.Sathia Chandran, Advocate sr.85631
+1cc to Mr.B.K.Girish Neelakantan, Advocate sr.85577

W.P.No.29344 of 2019

kj(co)
nr 14/10/2019

सत्यमेव जयते

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