



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.15024 of 2019

Dr.R.Thenmozhi

... Petitioner

-Vs-

1.The Government of India,
rep. by its Secretary,
Ministry of External Affairs,
New Delhi.

2.The Government India,
rep. by Passport Officer,
Ministry of External Affairs,
Regional Passport Office,
Tiruchirappalli,
Tiruchirappalli - 620 018.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to reissue the petitioner's Passport No.S-6580387 for the period of two years to the petitioner, pending disposal of C.C.No.583 of 2011 on the file of the Judicial Magistrate No.II, Thanjavur, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

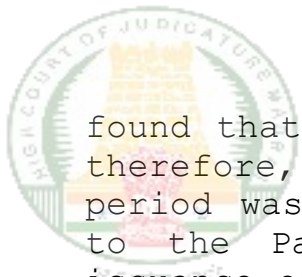
For Respondents : Mr.V.Kathirvelu, ASG, assisted by
Mr.Narayan Ram, CGSC

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd respondent to reissue the petitioner's Passport No.S-6580387 for the period of two years to the petitioner, pending disposal of C.C.No.583 of 2011 on the file of the Judicial Magistrate No.II, Thanjavur, within the period stipulated by this Court.

2.Heard Mr.A.Haja Mohideen, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, learned Assistant Solicitor General of India, assisted by Mr.Narayan Ram, learned Central Government Standing Counsel appearing for the respondents.

3.The petitioner is the holder of Passport No.S-6580387 and the same has been surrendered as at the time of renewal, it was



found that a criminal case was pending against the petitioner and therefore, for a limited period, renewal was given and after the period was over, the same has been surrendered by the petitioner to the Passport authorities. Now, the petitioner wants re-issuance of the passport for a limited period.

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4.The fact remains that there is a criminal case pending against the petitioner in C.C.No.583 of 2011 on the file of the Judicial Magistrate No.2, Thanjavur, where, according to the learned counsel appearing for the petitioner, three more witnesses have to be examined. When that being the position, whether this Court can give direction to the respondents authority to re-issue the passport for a limited period as sought for by the petitioner is a question and this has already been answered in number of cases in similar nature.

5.In this context, the learned Assistant Solicitor General of India would submit that, if the criminal case is pending before the competent Court, the passport holder must make an application to the criminal Court and depending upon the situation prevailing there as to whether the presence of the petitioner is required and if so, for what period, the criminal Court will pass orders permitting the petitioner to get the passport for a limited period and only based on such order passed by the criminal Court, the passport authorities would take a decision accordingly and may issue or refuse to reissue the passport to the holder.

6.The said stand taken by the learned Assistant Solicitor General appearing on behalf of the respondents is acceptable, since the case is ripe for trial and in fact trial has already commenced and even according to the learned counsel for the petitioner, three more witnesses are yet to be examined. Therefore, on this crucial stage of the trial, this Court cannot show its indulgence to give direction to the respondent to re-issue the passport and it is for the petitioner to approach the criminal Court.

7.In that view of the matter, the present prayer cannot be granted to the petitioner. But, at the same time, if the petitioner makes an application to the competent criminal Court and based on the order to be passed by the criminal Court, if the order is in favour of the petitioner for re-issuance of passport for a limited period, accordingly, the same can be considered by the respondents and passport can be re-issued to the petitioner for a limited period to be indicated by the criminal Court in the order to be passed in this regard.



8. With this observation, this writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar (AD-I)

Sub Assistant Registrar (CS)

Arul

To

1. The Secretary, Government of India,
Ministry of External Affairs,
New Delhi.

2. The Passport Officer, Government India,
Ministry of External Affairs,
Regional Passport Office,
Tiruchirappalli,
Tiruchirappalli - 620 018.

+1cc to Mr. Narayan Ram, Advocate in SR.74085

+1cc to Mr. A. Haja Moideen, Advocate in SR.73353

Order made in
W.P. (MD) No. 15024 of 2019

Dated:

04.07.2019

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