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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.5750 of 2019

and

W.M.P. (MD) No.4533 of 2019

Senthilkumar

... Petitioner

Vs

The Regional Passport Officer,
Bharathiula Veethi,
Race Course Road,
Madurai - 625 002.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Letter Ref.No.SCN/808335463/19, dated 27.02.2019, issued by respondent and quash the same and consequently directing the respondent herein to pass orders as per the representation of the petitioner, dated 05.03.2019 in application File No.MD1071827228919, dated 25.01.2019 Within a reasonable time as may be fixed.

For Petitioner : M/s.D.Farjana Ghoushia
for Mr.G.Mariappan
For Respondent : Mr.V.Murali Ganesh

ORDER

The petitioner was issued with passport some ten years back. It has since been renewed, it is valid till 27.01.2029. In the meanwhile, the respondent coming to know that there is an FIR against the petitioner issued the impugned communication, dated 27.02.2019 calling upon the petitioner to surrender the passport and furnish documents regarding the case status. The petitioner has been asked to give his explanation.

2.The reason for issuing impugned communication is that during police verification, the respondent came to know about the registration of two criminal case against the writ petitioner. It is true that pendency of criminal case at the FIR stage is not a ground of disqualification. But then, the petitioner is obliged to make a thorough and frank disclosure about the pendency of criminal cases. In this case, the petitioner has not done so. Even though, this Court holds that the petitioner need not surrender the passport, the petitioner is directed to give proper explanation to the respondent within a period of two weeks from the date of receipt of a copy of this order. It is for the respondent to take appropriate action against the writ petitioner based on his



explanation.

3.The writ petition stands partly allowed. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

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/True Copy/

Sub Assistant Registrar(CS-)

TO

The Regional Passport Officer,
Bharathiula Veethi,
Race Course Road,
Madurai - 625 002.

+1cc to Mr.G.Mariappan,Advocate, SR.No.55771

+1cc to Mr.V.Murali Ganesh,Advocate, SR.No.56411

W.P. (MD)No.5750 of 2019
21.03.2019

SP/12.04.2019/ 2P/4C