



WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM:

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

W.P.(MD)No.8276 of 2019

and

W.M.P.(MD)No.6494 of 2019

Rajarethinam Jayabalan

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Madurai.

2.Inspector of Police,
Keelavalavu Police Station,
Madurai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the communication impounding the petitioner's passport given by the first respondent dated 27.09.2018 and set aside the same as illegal and consequentially direct the first respondent to reissue and return the petitioner's passport surrendered before the first respondent in passport No.Z4627742 by the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi

For R1 : Mr.V.Kathirvelu
Assistant Solicitor General
assisted by
Mr.S.Sivakumar,
Central Government Standing Counsel

For R2 : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Assistant Solicitor General appearing for the first respondent and the learned Government Advocate appearing for the second respondent.



2.The petitioner was originally issued with a passport and it was also reissued on the expiry of its validity period. Thereafter, the first respondent came to know that the petitioner had suppressed the pendency of a criminal case against him. Therefore, the petitioner was called upon to surrender the passport. The petitioner complied with the said demand and surrendered his passport. It turned out that the case against the petitioner is only under Section 294(b) and 506(i) IPC.

3.It is well settled that the pendency of a criminal prosecution at the First Information Report stage is not a bar for issuance and re-issuance of passport. In this view of the matter, even while sustaining the order impugned in this writ petition, the first respondent is directed to return the passport to the writ petitioner forthwith.

4.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Regional Passport Officer,
Regional Passport Office,
Madurai.

2.Inspector of Police,
Keelavalavu Police Station,
Madurai District.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-59708[F] dated 08/04/2019)

+1 CC to M/s.SPL GP (SR-59918[F] dated 09/04/2019)

+1 CC to M/s.R.GANDHI, Advocate (SR-60147[F] dated 10/04/2019)

PNN

W.P. (MD) No.8276 of 2019
08.04.2019