



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.9462 of 2019

and

WMP(MD)Nos.7473 & 7474 of 2019

P.Ramesh

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Madurai - 625 002.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding of the respondent in Letter Ref.No. SCN/308157371/19 dated 28.01.19 and quash the same as illegal and consequently direct the respondent to issue the petitioners passport No.Z3394731 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew
for Mr.M.E.Ilango

For Respondent : Mr.V.Kathirvelu,
Assistant Solicitor General of India
assisted by Mr.M.Prabhu
Central Government Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General of India for the respondent. This writ petition is taken up for final disposal at the stage of admission itself.

2.The writ petitioner obtained a passport in the year 2006. He got it renewed on 30.08.2015. The passport renewed by the writ petitioner was valid upto 2025. While so, the passport obtained by him got damaged. The petitioner applied for issuance of a fresh passport. The respondent also duly issued the same. But then, the respondent came to know that the writ petitioner had suppressed the pendency of a criminal case against him when applied for renewal of passport in the year 2015. Therefore, notice dated 28.01.2019 was issued calling upon the writ petitioner to furnish appropriate explanation. The writ petitioner was also directed to surrender his



passport. The writ petitioner duly complied with the said directive and also furnished his explanation.

3. The learned counsel for the petitioner stated that the petitioner is in urgent need of his passport since he has to attend a business conference in Malaysia scheduled to be held on 03.05.2019 to 05.05.2019. This has necessitated the petitioner to move this Court.

4. When a criminal case is pending trial against the writ petitioner, in normal circumstances, the writ petitioner will have to necessarily move the jurisdictional criminal court to obtain permission to travel abroad. But, the writ petitioner is expressing some urgency. Therefore, considering the special facts and circumstances of this case, this Court directs the respondent to return the passport to the petitioner so as to enable him to make the aforesaid Malaysian visit.

5. The writ petitioner through his counsel undertakes that after finishing his trip he will re-surrender the passport before 15.05.2019 and thereafter move the jurisdictional criminal court for obtaining permission to travel abroad.

6. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.E.)

// True Copy //

Sub Assistant Registrar (CS)

Skm

To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Madurai - 625 002.

1CC TO MR. M.E.ILANGO, ADVOCATE SR 62015
1CC TO MR. M.PRABU, CENTRAL GOVT STANDING COUNSEL SR 61722

KK 24/04/2019
2P 4C