



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM:

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

W.P.(MD)No.22924 of 2018

and

W.M.P(MD) .No.20826 of 2018

Mohamed Sulthan Noor Mohamed

... Petitioner

Vs

1.The Passport Issuing Authority,
Bharathi Ula Street,
Race Course Road,
Madurai.

2.The Immigration Officer,
Trichy International Airport,
Trichirapalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned impounding order in No.02/IMP/BOI-TAP/2018(08)-157 dated 21.10.2018 passed by the second respondent in view of the first respondent's request, quash the same and consequently direct the respondents to drop the impounding proceedings in respect of the passport of the petitioner bearing No.R5352115.

For Petitioner

: Mr.RM.Arun Swaminathan

For Respondents

: Mr.V.Kathirvelu

Additional Solicitor General

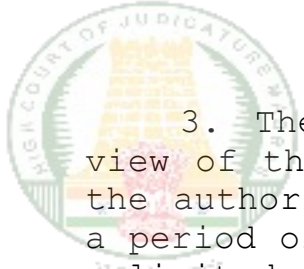
Assisted by Mr.K.Prabhu

Central Government Standing Counsel

ORDER

The petitioner's passport has been impounded. It is on account of initiation of criminal prosecution against the writ petitioner, which is pending in C.C.No.97 of 2013 on the file of the Judicial Magistrate No.II, Ramanathapuram. This Court indicated that this petitioner will have to get permission only from the jurisdictional Magistrate.

2. The learned counsel for the petitioner informs the Court that he had already filed a quash petition and obtained interim order of stay in Crl.O.P(MD).Nos.7863 and 7864 of 2018. Since this Court had granted interim stay of the criminal proceedings, the question of the petitioner having to move the Magistrate Court concerned, will not arise.



3. The learned Additional Solicitor General stated that in view of the pendency of the criminal case against the petitioner, the authority will not be in a position to renew the passport for a period of four years. But then, they can only grant renewal for a limited period that too subject to the direction of this Court.

4. Taking note of the facts and circumstances of the case, this Court directs the first respondent to renew the petitioner's passport for a period of two more years.

5. The Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Passport Issuing Authority,
Bharathi Ula Street,
Race Course Road,
Madurai.

2.The Immigration Officer,
Trichy International Airport,
Trichirapalli.

+1 CC to M/s.RM.ARUN SWAMINATHAN, Advocate (SR-55813[F] dated 21/03/2019)

+1 CC to M/s.K.PRABHU, Advocate (SR-55798[F] dated 21/03/2019)

rmk

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KM/ (25.04.2019) 2P 5C