



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.08.2019**

WEB COPY

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.17348 of 2019

Ramachandran Amirthavahanam

...Petitioner

-Vs-

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent to issue the fresh passport in lieu of petitioner old passport No.L2309461 by considering the petitioner's representation dated 25.07.2019.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.V.Kathirvelu

Assistant Solicitor General
assisted by Mr.M.Kannan
Central Government Standing Counsel

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondent to issue a fresh passport in lieu of petitioner's old passport No.L2309461, by considering the petitioner's representation, dated 25.07.2019.

2.Heard Mr.K.Sivabalan, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, learned Additional Advocate General appearing for the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner is already a passport holder in Passport No.L2309461. However, he lost the same. Hence, he made an application to the respondent on 12.06.2019 to issue a new passport in lieu of the old one, which was according to the



petitioner lost.

5. On processing the said application, the respondent finds that, there is some criminal case pending against the petitioner at Koodankulam Police Station in Crime No.70 of 2016 for the alleged offence punishable under Sections 294(b), 387 and 506(i) IPC.

6. In view of the said pendency of the criminal case, the application seems to have not been further processed, therefore, the petitioner is before this Court.

7. I have heard the learned Assistant Solicitor General appearing for the respondents, who on instructions would submit that, after receipt of the communication from the police department about the pendency of the criminal case against the petitioner, notice was issued to the petitioner on 27.06.2019 to give explanation, as to why he has suppressed such pendency of the criminal case. Accordingly, he appeared and gave an explanation and pursuant to the said explanation, further information from the police authorities were sought for by the respondent, as to whether investigation was completed and charge sheet is filed and if the charge sheet is filed before the concerned Court, whether the same has been taken on file and CC number has been given, in order to proceed further in this matter. However the said information is yet to be received. Hence, the application is pending.

8. I have considered the said submissions made by both sides and perused the materials placed before this Court.

9. That if the criminal case is pending against the petitioner and it is already crossed the stage of taking cognizance of the final report filed by the police and it become CC, then it is the matter to be decided by the concerned criminal Court, as to whether the petitioner can be permitted to go abroad, after getting passport and if at all, the investigation is yet to be completed and charge sheet is not filed and the same is not taken on file, that can be decided by the respondent independently on merits.

10. In that view of the matter, this Court is inclined to dispose of this writ petition having regard to the facts and circumstances of the case, with the following directions:-

"that the respondent is hereby directed to get input from the concerned police, as to whether the investigation of the pending criminal case against the petitioner was completed and if so, whether final report was filed and the same has been taken cognizance by the concerned jurisdictional Court and CC number has



been given. If the case is not reached the said stage and it is pending only in the investigation stage, based on such report, the application can be processed by the respondent, based on the explanation already given by the petitioner. Otherwise if the case reached the stage of filing the final report, it was taken into cognizance by converting the case into CC , then the respondent can drive the petitioner with instructions to approach the concerned criminal Court to get an appropriate orders and depending upon order be passed in this regard, the application can be decided in both ways. The respondent can undertake the exercise, as indicated above, as early as possible and pass final order thereon."

11. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

TO
The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai District.

+1 CC to M/s.M.KANNAN, Advocate (SR-80239[F] dated 07/08/2019)

+1 CC to M/s.K.SIVABALAN, Advocate (SR-80470[F] dated 07/08/2019)

rmk

W.P.(MD)No.17348 of 2019
06.08.2019

KM/ (10.09.2019) 3P 4C