



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.24609 of 2019

Singam Arumugam

.. Petitioner

Vs.

1.The Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course road,
Madurai.

2.The Inspector of Police,
Bazar Police Station,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 07.11.2019 and consequently direct the 1st respondent to issue/renew the passport of the petitioner.

For Petitioner : M/s.M.Aruna

For R1 : Mr.V.Kathirvelu
Assistant Solicitor General of India
assisted by Mrs.S.Raghaventhre

For R2 : Mr.P.Kannithevan
Additional Government Pleader

ORDER

Mr.V.Kathirvelu, learned Assistant Solicitor General of India, takes notice on behalf of the first respondent and Mr.P.Kannithevan, learned Additional Government Pleader takes notice on behalf of the second respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has applied for passport in File No.MD 1062320798519 on 29.07.2019. Since a criminal case is pending against him, a show cause notice was issued by the first respondent seeking clarification. The petitioner submitted his written explanation on 07.11.2019. But, the first respondent has not issued passport till date. Aggrieved over the same, the petitioner is before this Court seeking writ of mandamus, directing the first



respondent to consider the petitioner's representation dated 07.11.2019.

3. When the matter is taken up for admission, the learned Assistant Solicitor General would submit that enquiry is being contemplated in view of pendency of criminal case. The learned Additional Government Pleader would submit that charge sheet has been filed with respect to the criminal case and it is pending before the concerned Magistrate Court.

4. Heard the submissions made on either side.

5. As per G.S.R.570(E) of the Notification dated 25.11.1993, issued by the Ministry of External Affairs, the petitioner has to approach the concerned Magistrate Court for the purpose of processing passport. The relevant portion of the said Notification is extracted hereunder for easy reference.

"G.S.R.570(E) - In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal Court in India and who produce orders from the Court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) If such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then

the passport shall be issued for the period of



travel abroad specified in the order

(b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued."

6. In view of the same, the petitioner is directed to file appropriate application before the concerned Magistrate and on production of appropriate orders from the Magistrate, the first respondent is directed to process the petitioner's application in accordance with law.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course road,
Madurai.

2. The Inspector of Police,
Bazar Police Station,
Ramanathapuram.

+1 CC to M/s.GP (SR-100537[F] dated 22/11/2019)

+1 CC to M/s.V.MUTHUMANI, Advocate (SR-100650[F] dated 22/11/2019)

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21.11.2019

KK/SAR/06.12.2019/3P-5C/