



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.25640 of 2019

Alagupandi

... Petitioner

Vs.

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

2.The Inspector of Police,
E3 Anna Nagar Police Station,
Madurai City.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned surrender certificate issued by the first respondent in his file No.MD1072333134919 dated Nil and quash the same as illegal and consequently directing the 1st respondent to reissue the passport of the petitioner bearing Passport No.T2153400.

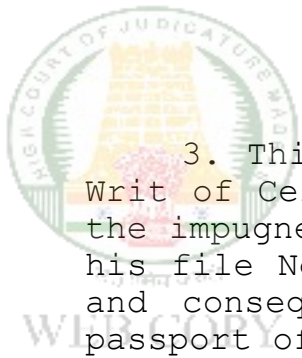
For Petitioner	: Mr.K.Anbarasan
For R-1	: Mr.V.Kathirvelu, Assistant Solicitor General of India, assisted by Mr.C.Nandagopal Central Government Standing Counsel
For R-2	: Mr.M.Pandiarajan, Additional Government Pleader

ORDER

Mr.V.Kathirvelu, learned Assistant Solicitor General of India, assisted by Mr.C.Nandagopal, learned Central Government Standing Counsel, takes notice for the first respondent and Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the second respondent.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

<https://hcservices.ecourts.gov.in/hcservices/>



3. This Writ petition has been filed praying for issuance of a Writ of Certiorarified Mandamus calling for the records pursuant to the impugned surrender certificate issued by the first respondent in his file No.MD1072333134919 dated Nil and quash the same as illegal and consequently, directing the first respondent to reissue the passport of the petitioner bearing Passport No.T2153400.

4. The petitioner had originally obtained a passport in the year 2009 in passport No.H7914508, which was valid up to 09.12.2019. The petitioner is a businessman having business in various countries. Hence, he applied for new passport after surrendering the old passport in view of the expiry date. The new passport was also issued in Passport No.T2153400, which is valid up to 31.07.2029. After receipt of the said passport, a notice was issued by the first respondent, dated 17.09.2019 stating that there is adverse police verification report received by them alleging that the petitioner was involved in a criminal case and that his passport should be impounded. Accordingly, the petitioner appeared before the Officer and surrendered his passport, which was issued to him.

5. The petitioner's complaint is that there is only an F.I.R pending from the year 2015. When there is no offence, which has been taken cognizance by any criminal Court, which cannot be treated as a proceeding pending before the criminal Court even as per the notification issued by the Ministry of External Affairs, New Delhi, dated 25.08.1993 in G.S.R.No.570(E) and following the same, orders were also passed directing the authorities to issue the passport. It will be useful to extract the relevant portion of the said notification:

"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.."

6. In view of the above, the writ petition is allowed and the impugned surrender certificate issued by the first respondent in his file No.MD1072333134919 is hereby quashed and the first respondent



is directed to re-issue the passport, which was surrendered by the petitioner, within a period of two weeks from the date of receipt of a copy of this order. No Costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (Records)

Sub Assistant Registrar(CS)

pm

To:

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

2.The Inspector of Police,
E3 Anna Nagar Police Station,
Madurai City.

+1 CC to Mr.C.NANDAGOPAL, Advocate (SR-103046[F] dated 02/12/2019)

+1 CC to Mr.K.ANBARASAN, Advocate (SR-102889[F] dated 02/12/2019)

+1 CC to SPL GP (SR-103110[F] dated 03/12/2019)

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VB(17.12.2019) 3P 6C