

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5351 of 2020
and
W.M.P.No.6290 of 2020

S.P.Senthil Kumar
S/o.Periasamy

...Petitioner

Vs.

1.The Regional Passport Office
Chennai Royala Towers
No.2 and 3, IV Floor
Old No.785, New No.158,
Anna Salai, Chennai-600 002.

2.The Inspector of Police
R8, Vadapalani Police Station
283, Arcot Road, Somasundara
Bharathi Nagar
Vadapalani, Chennai-600 027.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent under communication dated 06.02.2014 and quash the same as illegal, arbitrary, unsustainable in law and on facts and consequently, direct the 1st respondent to issue the petitioner's revised Passport bearing No.L3785224 with change of address, pending F.I.R.No.440 of 2013 on the file of the 2nd respondent.

For Petitioner : Mr.A.R.M.Arunachalam

For Respondents: Mr.B.Ramaratnam

Central Government Standing Counsel
for R1

Mr.P.V.Selvakumar

Additional Government Pleader, for R2

O R D E R

Mr.B.Ramaratnam, learned Central Government Standing Counsel takes notice for the first respondent. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the second respondent. By consent of both the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the communication of the first respondent dated 06.02.2014 with a consequential direction to the first respondent to issue the petitioner's revised Passport bearing No.L3785224, pending F.I.R.No.440 of 2013.

3. Heard both sides and perused the materials placed before this Court.

4. The petitioner has chosen to challenge the communication issued as early as on 06.02.2014 after a period of 6 years, more particularly, when the said communication is not in the nature of the order and on the other hand, it is only a notice calling upon the petitioner to give suitable explanation and submit a fresh application with correct details. It is stated that the petitioner has not responded to the said notice so far.

5. When such being the position, I do not think that the petitioner is entitled to maintain the present writ petition, that too, against the above said notice calling upon the petitioner to give suitable explanation. Needless to say that it is for the petitioner to give explanation before the first respondent and based on such explanation, it is for the first respondent to pass orders on merits and in accordance with law.

6. Thus, this Writ petition is disposed of, without expressing any view on the merits of the claim made by the respective parties, only with a direction to the petitioner to give explanation before the first respondent within a period of two weeks from the date of receipt of a copy of this order, in pursuant to the impugned communication dated 06.02.2014. On receipt of such explanation, the first respondent shall consider the same and pass orders on merits and in accordance with law, within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VI)
//True Copy//

Sub Assistant Registrar

mk

To

1.The Regional Passport Office
Chennai Royala Towers
No.2 and 3, IV Floor
Old No.785, New No.158,
Anna Salai, Chennai-600 002.

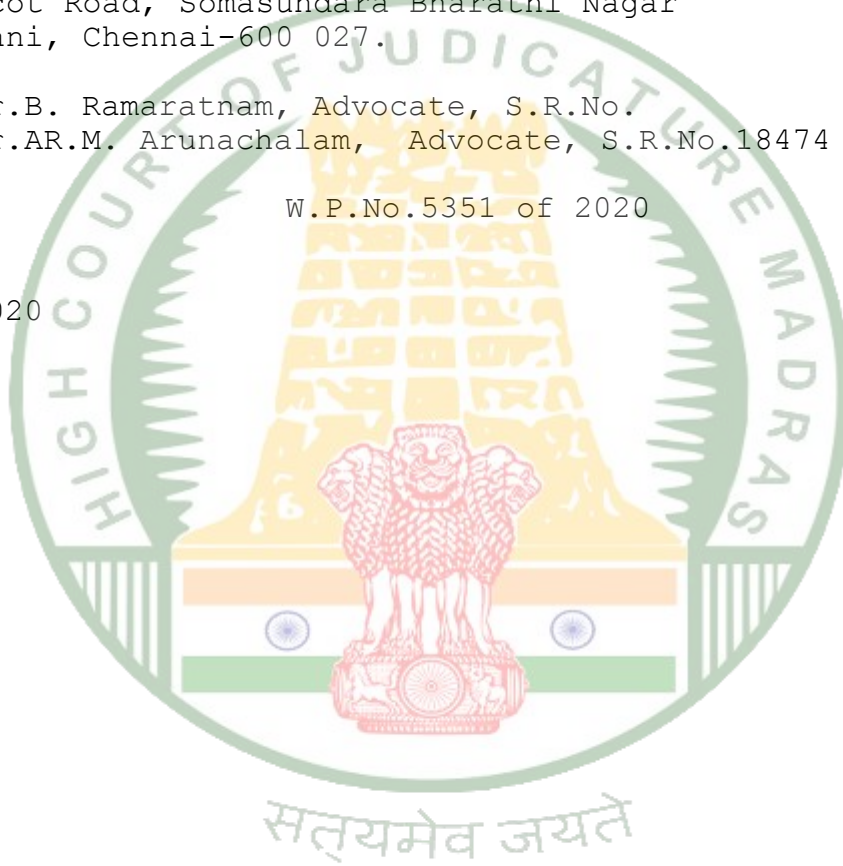
2.The Inspector of Police
R8, Vadapalani Police Station
283, Arcot Road, Somasundara Bharathi Nagar
Vadapalani, Chennai-600 027.

+1cc to Mr.B. Ramaratnam, Advocate, S.R.No.

+1cc to Mr.AR.M. Arunachalam, Advocate, S.R.No.18474

W.P.No.5351 of 2020

SJ(CO)
EU 26.6.2020



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