

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33735 of 2019

Sundaram

... Petitioner

vs

1.The Passport Officer,
Passport Office,
Tiruchirappalli.

2.The Deputy Superintendent of Police,
Economic Offences Wing,
Chennai 600 032.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent to lift the impounding of the petitioner's passport bearing Number J6369485 and permit the petitioner to go abroad pursuant to the representation dated 08.02.2019.

For Petitioner : Mr.T.Muruganantham

For Respondents: Mrs.Swarnalatha for R1 CGSC

Mr.PV.Selvakumar for R2 AGP

O R D E R

The petitioner seeks for a mandamus directing the first respondent to lift the impound of the petitioner's passport bearing Number J6369485 and permit the petitioner to go abroad pursuant to the representation dated 08.02.2019.

2.Heard both sides.

3. It is seen that in pursuant to a communication received from the Deputy Superintendent of Police, Economic Offences Wing-II, SIDCO, Old Corporate Building, Chennai-32, requesting to impound the passport of the petitioner on the reason that a criminal case in Crime No.1/2015 under Section 420 IPC and Section 5 of TNPID Act, was registered against the petitioner and the same is under investigation, the first respondent has impounded the passport. Now the petitioner seeks for setting

aside the impounding action. It is seen that the petitioner was already issued with a notice on 09.09.2015, calling for his explanation regarding the status of Crime No.1/2015 and also to surrender his passport.

4. Learned counsel appearing for the first respondent submitted that the petitioner has not appeared before the first respondent so far. Therefore, he submitted that unless the petitioner appears and gives explanation, the claim of the petitioner cannot be considered.

5. Learned counsel for the petitioner submitted that the petitioner would appear before the first respondent and give proper explanation.

6. Recording the above submissions made by the respective counsels, this writ petition is disposed of by directing the petitioner to appear before the first respondent and give suitable explanation within a period of two weeks. On receipt of such explanation, the first respondent shall pass orders on the request of the petitioner on merits and in accordance with law, as this Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner. Such exercise shall be done by the first respondent within a period of two weeks thereafter. No costs.

Sd/-

Assistant Registrar(CS-)

// True Copy //

Sub Assistant Registrar

vri

To

- 1.The Passport Officer,
Passport Office,
Tiruchirappalli.
- 2.The Deputy Superintendent of Police,
Economic Offences Wing,
Chennai 600 032.

+1cc to Government pleader,SR.NO.20664

+1cc to Mr.T.Muruganatham,Advocate,SR.NO.20467

+1cc to Mrs.Swarnalatha,Advocate,SR.NO.20409

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GS(18/05/2020)