

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.34255 of 2019

Shankar Ramachandran

... Petitioner

..Vs..

1. The Regional Passport Officer,
Ministry of External Affairs,
Regional Passport Office,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

2. The Inspector of Police,
Special Crimes Branch,
Central Bureau of Investigation,
Chennai - 600 034.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Regional Passport Officer, Ministry of External Affairs, Regional Passport Office, Shastri Bhavan, No.26, Haddows Road, Chennai - 600 006, the 1st respondent herein to remove the remarks made in the Passport of the petitioner bearing No. K2235295.

For Petitioner : Mr.S.Ramachandran

For Respondents : Mr.K.Srinivass,
Special Public Prosecutor, CBI

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O R D E R

The petitioner namely Shankar Ramachandran has filed the present writ petition in the nature of mandamus, directing the 1st respondent namely the Regional Passport Officer, Ministry of External Affairs, Regional Passport Office, Shastri Bhavan, No.26, Haddows Road, Chennai - 600 006 to remove the remarks made in the Passport of the petitioner bearing No. K2235295.

2. The petitioner has no criminal case registered against him by the 2nd respondent namely the Inspector of Police, Special Crime Branch, Central Bureau of Investigation, Chennai - 600 034. However, the said 2nd respondent had an occasion to file an FIR in Crime No.RC.7/(S)/2010 against the father of the petitioner R.Ramachandaran who was A3. This was registered for the offences under Sections 120-B r/w. 420, 465, 468 and 471 IPC and Sections 13(2) r/w. 13 (1) (c) (d) of Prevention of Corruption Act, 1988. A final report was taken on file by the learned Additional Chief Metropolitan Magistrate, Chennai in C.C.No.3766 of 2011. The father of the petitioner was convicted and sentenced. He filed an appeal before the XV Additional Sessions Court, Chennai wherein his conviction was confirmed.

3. The father of the petitioner has filed a Criminal Revision petition in Crl.R.C.No.386 of 2018 which is pending before this Court. However, the 1st respondent appears to have made remarks as against the petitioner in his passport. To make it clear neither convicted nor sentenced to any term of either imprisonment or fine. To clarify this situation, the 2nd respondent was directed to file a counter affidavit wherein it had been stated as follows:

7. With regard to the averments stated in paragraph 10, it is submitted that this respondent No.2 sent a letter addressed to the Regional Passport Officer, Anna Salai, Chennai in No.DPMS1/2019/C2/RC.7 (S)/2010/CBI/SCB/CHEN/0000 dated 29.01.2020 by stating that it is further intimated that Shri Shankar Ramachandran, S/o.R.Ramachandran (A-3), is not an accused in this case and hence, processing of GEP application to Shri Shankar Ramachandran may be done as per the rules. Hence, this Respondent No.2 has taken appropriate step at his end.

4. The learned Standing counsel for the 1st respondent has produced the internal communication from the Ministry of External Affairs, Government of India, by the Regional Passport officer, Chennai addressed to the counsel for respondents Mr.S.Janarthanam, wherein it had been stated as follows:

"The SP, CBI (SCB), Chennai, vide report dated 29.01.2020, has intimated this office that the petitioner Shri.Shankar S/o. Ramachandran is not an accused in the criminal case and hence processing of GEP application may be done as per rules.

Based on the reply of the CBI authorities, this office has granted the petitioner's GEP application on

04.02.2020. On receipt of replies (through interface) from Ministry of Home Affairs and Ministry of Finance, this Office will review the petitioner's GEP application in the PSP system and the status will be directly shared with Global online enrollment system (GOES) through interface."

5. In view of all the fact that the Regional Passport officer would review the petitioner's GEP in the PSP system and it would be directly sharing the same with Global Online enrollment System (GOES) through interface, it would only be appropriate that this Court does not pass any further orders and leave it to the authorities concerned to pass necessary orders .

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Regional Passport Officer,
Ministry of External Affairs,
Regional Passport Office,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.
2. The Inspector of Police,
Special Crimes Branch,
Central Bureau of Investigation,
Chennai - 600 034.
3. The Special Public Prosecutor,
CBI Cases, Chennai.

+1cc to Mr.S.Ramachandran, Advocate Sr.13986
+1cc to Mr.S.Janarthanam, Advocate Sr.13566

W.P.No.34255 of 2019

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