



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.2362 of 2020

and

W.M.P. (MD) Nos.2021, 2022 & 2025 of 2020

Suresh Gurusamy

... Petitioner

Vs.

1) The Regional Passport Officer,
Race Course Road,
Madurai.

2) Padmavathi @ Vanitha

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned notice in Lr.Ref.No.SCN/309591327/20 dated 13.01.2020 on the file of the 1st respondent and quash the same and further directing the 1st respondent to re-issue the Passport in Passport No.R-2435515 to the petitioner.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 : M/s.Malaiyendran, Central
Government Standing Counsel

O R D E R

This Writ Petition has been filed seeking for a direction to call for the records of the impugned notice in Lr.Ref.No.SCN/309591327/20 dated 13.01.2020 on the file of the 1st respondent and quash the same and further directing the 1st respondent to re-issue the Passport in Passport No.R-2435515 to the petitioner.

2. The case of the petitioner is that the petitioner is an Indian passport holder from the year 06.07.2007. On expiry of the earlier passport, the petitioner was issued with a new passport on 24.04.2017 under Passport No.R-2435515 and the same is valid upto 23.04.2027. Presently, the petitioner is in India for holidays and



due to family dispute, the second respondent's family members lodged a false complaint against the petitioner in F.I.R.No.12 of 2018 pending before All Women Police Station, Tenkasi.

3. Upon instructions, the learned Central Government Standing counsel appearing on behalf of the first respondent would submit that a criminal case is pending in C.C.No.41 of 2019 before the learned Judicial Magistrate, Shengottai and the next date of hearing is on 25.02.2020.

4. As the case is already pending before the criminal court, this Court cannot give any direction, without knowing the veracity of the crime and requirement of the presence of the petitioner in the said case. Therefore, it is open to the petitioner to approach the appropriate Judicial Magistrate, where the criminal case is pending, and take permission or No Objection Certificate for issuance of new passport. With the aforesaid directions, the Writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

The Regional Passport Officer,
Race Course Road,
Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-6527[F] dated 14/02/2020)

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-6240[F] dated 13/02/2020)

Order made in
W.P(MD)No.2362 of 2020
Dated:13.02.2020

NS (CO)

TR(25.02.2020)2P 4C