



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.07.2020

CORAM :

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P(MD).No.6557 of 2020

P.Habeeb Mohamed

...Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai 625 002.

2.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.
Crime No.20/2009

3.The Inspector of Police,
B-1, Vilakkuthoon Police Station,
Madurai.
Crime No.1626 of 2009

4.The Inspector of Police,
Tambaram Police Station, Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to return the passport bearing No.U4212146 dated 08.01.2020 which has been impounded by issuing surrender certificate dated 24.02.2020 by the first respondent.

For Petitioner : Mr.RJ.Karthick

For Respondents : Mr.V.Kathirvelu
Additional Solicitor General
assisted by Mr.M.Prabhu for R1
Mr.S.Angappan
Government Advocate
for R2 to R4



ORDER

Heard the learned counsel appearing for the petitioner, learned Additional Solicitor General appearing for the first respondent and Mr.S.Angappan, learned Government Advocate appearing for the respondents 2 to 4. By their consent, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petition mentioned passport is presently with the first respondent. The petitioner seeks its return.

3.The reason for taking custody of the petitioner's passport was due to the implication of the petitioner in a criminal case. It is true that a criminal case was registered against the petitioner on the file of the second respondent. But then, the said case has since been quashed by order dated 07.07.2011 in CrI.O.P(MD).No.5368 of 2011. It appears that yet another case was registered on the file of the third respondent. But, the same was transferred to the fourth respondent.

4.The learned Government Advocate is unable to confirm the current status of the case. The third respondent is not having the papers. The fourth respondent said that he has not received the case paper. But, there is no dispute that no charge sheet has been filed against the petitioner either by the third respondent or the fourth respondent. Since even if assume that the criminal case is pending against the petitioner on the file of the third respondent or the fourth respondent, still that cannot be a ground for retaining the petitioner's passport; only if the case has been charge sheeted, the petitioner will have to move the Jurisdictional criminal Court. That is clearly not the case here. Therefore, the first respondent is directed to return the petition mentioned passport to the petitioner at the earliest.

5.Accordingly, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To

- 1.The Regional Passport Officer,
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- 2.The Inspector of Police,
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- 3.The Inspector of Police,
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- 4.The Inspector of Police,
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rmk

SDS (13.07.2020) 3P-5C