



WEB COPY

W.P.(MD)No.16533 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

**W.P. (MD)No.16533 of 2020**

**and**

**W.M.P. (MD) .No.13824 of 2020**

Somasundaram

... Petitioner

Vs

1.The Regional Passport Offier,  
Regional Passport Office,  
Madurai, Bharathi Ula Veethi,  
Race Course Road,  
Madurai-625 002, Tamil Nadu.

2.The Inspector of Police,  
Thallakulam Police Station,  
Madurai District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice of the first respondent made in Letter Ref.No.SCN/310156767/20 in File No.MD1073002125720, dated 09.09.2020 and quash the same as illegal and consequently direct the first respondent to renew the passport of the petitioner in Passport No.J1940280 pending on the file of the first respondent in File No.MD1073002125720.

For Petitioner : Mr.L.Velpradeep

For R-1 : Mr.K.R.Laxman  
Central Government Standing Counsel

For R-2 : Mr.A.Muthukaruppan  
Additional Government Pleader

**ORDER**

**(This Petition was heard through the Video Conferencing)**

This Writ Petition has been filed challenging the impugned order dated 09.09.2020 issued by the first respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



2. Mr.K.R.Laxman, learned Central Government Standing Counsel accepts notice on behalf of the first respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.L.Velpradeep, learned counsel for the petitioner, Mr.K.R.Laxman, learned Central Government Standing Counsel for the first respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader for the second respondent.

4. The first respondent has issued the impugned notice dated 09.09.2020 seeking for an explanation from the petitioner within a period of thirty days with regard to the adverse police verification report received against him. The petitioner had applied for a passport with the first respondent on 02.09.2020. In view of the adverse police verification report against him, the impugned notice has been passed seeking for an explanation from him within a period of thirty days.

5. It is settled law that a show cause notice can be challenged only when the same is issued without authority under law. In the case on hand, the first respondent is having authority under law to seek for an explanation from the petitioner on the adverse police verification report received against him, subsequent to the submission of the passport application by him. In view of the settled law, the Writ Petition filed by the petitioner, challenging the impugned notice is premature and it is not maintainable in view of the fact that the first respondent has got the authority under law to issue the impugned notice. When no final order has been passed with regard to the petitioner's passport application, the challenge to the impugned notice is not maintainable.

6. For the foregoing reasons, this Court is of the considered view that there is no merit in this Writ Petition as it has been filed prematurely and has challenged the show cause notice which has been issued by the first respondent under authority of law.

7. In the result, the Writ Petition stands dismissed. However, liberty is granted to the petitioner to submit his explanation with regard to the impugned notice dated 09.09.2020. The petitioner is directed to submit his explanation within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the petitioner's passport application dated 02.09.2020 and pass final orders on merits and in accordance with law, within a period



of three weeks thereafter. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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/ /2020

Sub Assistant Registrar(CS)

tsg

**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 Offier,  
Regional Passport Office,  
Madurai, Bharathi Ula Veethi,  
Race Course Road,  
Madurai-625 002, Tamil Nadu.

2.The Inspector of Police,  
Thallakulam Police Station,  
Madurai District.

+1 CC to M/s.GP ( SR-22647[F] dated 24/11/2020 )

**W.P. (MD) No.16533 of 2020**  
**23.11.2020**

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vr (CO)

**KK(07.12.2020) 3P 4C**