



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.02.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.17059 of 2018

and

W.M.P. (MD) No.20019 of 2018

Kulandhairaj

... Petitioner

Vs.

The Regional Passport Officer,  
Bharathi Ulla Veethi,  
Race Course Road,  
Madurai 625 002

... Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to process the petitioner's passport application number MD01C5034319318 and issue Passport to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

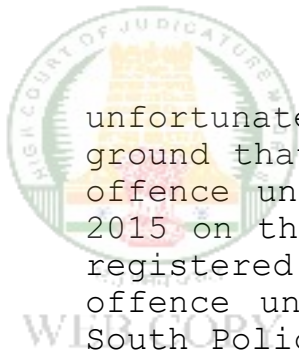
For Respondent : M/s.S.Ragaventheree,  
Central Government Standing Counsel

### O R D E R

M/s.S.Ragaventheree, learned Central Government standing counsel takes notice for the respondent.

2. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondent to process the petitioner's passport application number MD01C5034319318 within the time stipulated by this Court.

3. The case of the petitioner is that he is having three sons and they are residing in Singapore along with their families. Since the petitioner's sons are at Singapore and his daughter-in-law gave birth to his grandchild, the petitioner and his wife applied for passport to go to Singapore. The respondent has issued passport to the petitioner's wife under passport No.S1985260 but



unfortunately refused to grant passport to the petitioner on the ground that two criminal cases, one in Crime No.416 of 2014 for the offence under Sections 294(b), 448, 506(ii) of IPC in C.C.No.20 of 2015 on the file of Judicial Magistrate, Karaikudi and another case registered against the Petitioner in Crime No.582 of 2015 for the offence under Sections 341, 294(b), 506(i) of IPC on the file of South Police Station, Karaikudi are pending against the petitioner.

4. The learned counsel for the petitioner submitted that the two cases pending as against the petitioner are petty cases. One is foisted as against the petitioner and his party workers and another one is foisted by the petitioner's erstwhile house owner to take revenge upon the petitioner.

5. When there is no offence, which has been taken cognizance by any criminal Court, which cannot be treated as a proceeding pending before the criminal Court even as per the notification issued by the Ministry of External Affairs, New Delhi, dated 25.08.1993 in G.S.R.No.570(E) and following the same, orders were also passed directing the authorities to issue the passport. It will be useful to extract the relevant portion of the said notification:

***"G.S.R.570(E) - In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.298(E), dated the 14<sup>th</sup> April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal Court in India and who produce orders from the Court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely.."***

6. In view of the notification issued by the Central Government, the processing of the petitioner's passport cannot be refused merely on the ground of pendency of the criminal case. Therefore, this Court directs the petitioner to approach the Court of Judicial Magistrate, Karaikudi before which the criminal cases are pending and move an appropriate application seeking permission of the Court for necessary direction.



7. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No.20019 of 2018 is closed.

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// True Copy //

Sd/-

Assistant Registrar (AD-II)

/ /2020

Sub Assistant Registrar(CS)

sts

To:

The Regional Passport Officer,  
Bharathi Ulla Veethi,  
Race Course Road,  
Madurai 625 002

+1 CC to M/s.M.R.SREENIVASAN, Advocate ( SR-6532[F] dated 14/02/2020

Order made in  
**W.P (MD) No.17059 of 2018**  
**14.02.2020**

JMN(02.03.2020) 3P : 3C