

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

C O R A M

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
Writ Petition No.2873 of 2021

M.V.Ganesan

... Petitioner

vs

The Regional Passport Officer,
Rayala Towers Nos.2 and 3, IV Floor,
Old No.785, New NO.158,
Anna Salai, Chennai - 600 002

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the respondent's Letter Ref.No.FCL/309760491/20, dated 22.02.2020 closing the application of the petitioner in Ma.No.3072616052119 and quash the same and consequently direct the respondent to reissue the petitioner's passport in accordance with law, within a time frame to be fixed by this Court.

For Petitioner ... Mr.M.Govindaraju
For Respondents ... Mr.R.Sidharth, CGSC

O R D E R

The Writ Petition has been filed by the petitioner challenging the respondent's Letter Ref.No.FCL/309760491/20, dated 22.02.2020, closing his application in Ma.No.3072616052119 and for a further direction to the respondent to re-issue his passport in accordance with law.

2. It is the case of the petitioner that the passport No.H8718526 issued in his favour on 22.02.2010 expired on 21.02.2020. Hence, he made an on-line application before the respondent on 10.11.2019 for re-issuance of his passport along with relevant documents. The said application was closed by the respondent without assigning any reasons. Hence, this Writ Petition has been filed.

3. The respondent, in his counter affidavit, has stated that the petitioner was advised to obtain an order from the Criminal Court permitting him to travel abroad. As there was no response from the petitioner, inspite of the notice dated 21.01.2020, his application was closed on 22.02.2020. Infact,

the said receipt of notice dated 21.01.2020 was not mentioned in the affidavit filed in support of the Writ Petition. It is further stated that if the petitioner submits a fresh application along with a 'No Objection Certificate'/permission of the Court concerned to travel abroad along with the undertakings, as prescribed in GSR 580(E), further action will be taken as per the directions of this Court.

4. Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel appearing on behalf of the respondent.

5. Admittedly, there are three cases pending against the petitioner, two cases are before the learned XI Additional Special Judge for CBI Cases, Chennai in C.C.Nos.41 of 2015 and 2 of 2018 and the other case is before the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai in C.C.No.8754 of 2017.

6. When the matters are pending before two Courts, the petitioner ought to have approached the said Courts for issuance of a 'No Objection Certificate' for travelling abroad, as the said Courts are vested with power to grant the relief sought for by the petitioner. It is stated by the petitioner that there is no Presiding Officer in the Additional Chief Metropolitan Magistrate Court, Egmore, Chennai.

7. In such circumstances, the petitioner is permitted to make appropriate application before the learned Additional Special Judge, XI CBI Court, Chennai where C.C.Nos.41 of 2015 and 2 of 2018 are pending and seek appropriate order for issuance of 'No Objection Certificate'. If such an application is made by the petitioner, the same may be considered as expeditiously as possible by the Court concerned.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Regional Passport Officer,
Rayala Towers Nos.2 and 3, IV Floor,

Old No.785, New NO.158,
Anna Salai, Chennai - 600 002.

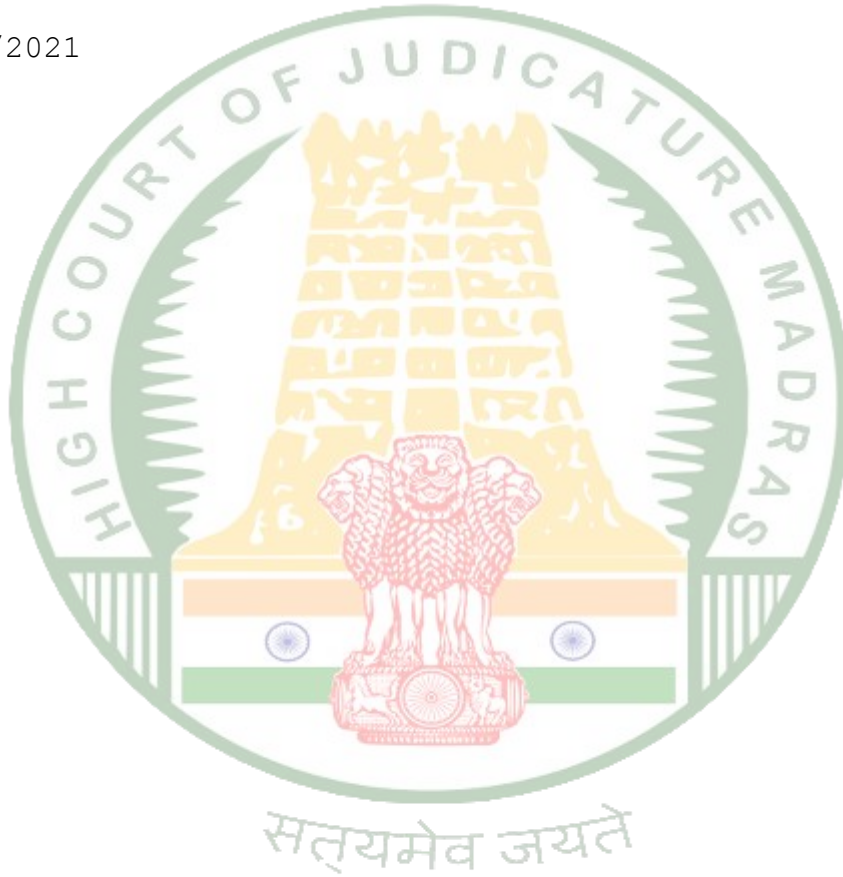
2.The Learned XI Additional Special Judge for CBI cases, Chennai.

3.The Learned Additional Chief Metropolitan Magistrate, Egmore,
Chennai.

+cc to M/S.M.Govindaraju, Advocate SR.No.21951
+cc to M/S.R.Sidharth, Advocate SR.No.22545

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PL(CO)
baf 04/05/2021



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