

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.15656 of 2020

P.Kishore

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Petitioner

Vs.

1.CBI represented by

Additional Superintendent of Police,
SPR:CBI:ACB:Chenani,
Crime No.RC. 33(A)/2011/ACB.

2.Directorate of Enforcement,

Represented by its Assistant Director,
Government of India,
Ministry of Finance, Department of Revenue,
II & III Floor, "C" Block,
Murugesu Naicker Office Complex,
84, Greaves Road,
Chennai - 600 006.

3.Regional Passport Office,

Regional Passport Office, Chennai,
Royala Towers No.2 and 3, IV Floor,
Old No.785 New No.158, Anna Salai Road,
Chennai - 600 002.

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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the third respondent to renew the petitioner's passport No.Z1758677 in Application No.MA3073022563520 in accordance with the Passport Act and Rules, for a minimum period of ten years and consequently direct the third respondent to issue the renewed passport within a time frame fixed by this court.

For Petitioner

:Mr.Rajagopal Vasudevan

For Respondent 1

:Mr.K.Srinivasan

For Respondent 2

:Mr.N.Ramesh

For Respondent 3

:Mr.K.RamanaMoorthy,
Central Government Standing

Counsel

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the third respondent to renew the petitioner's passport within a time frame to be fixed by this Court.

2. The petitioner submitted an application on 21.09.2020 with the third respondent seeking for renewal of his passport which expired on 15.01.2019. According to the petitioner, the renewal application has not been considered by the third respondent till date. In such circumstances, this writ petition has been filed.

3. A counter affidavit has been filed by the third respondent before this Court wherein he has stated that as against the petitioner, two criminal cases are pending in the trial stage, one before the learned IXth Additional Judge for Special Court for CBI cases in C.C.No.3 of 2013 and the other before the learned Principal Sessions Judge, City Civil Court, Chennai in C.C.No.60 of 2018 under the Prevention of Money Laundering Act, 2002. In the counter affidavit, the third respondent has also stated that if the petitioner furnishes the permission from the competent authority as per the instructions contained in GSR 570(E), the third respondent may not have any legal impediment in issuing the passport to the petitioner.

4. Heard Mr.Rajagopal Vasudevan, learned counsel for the petitioner, Mr.K.Srinivasan, learned counsel for the first respondent, Mr.N.Ramesh, learned counsel for the second respondent and Mr.K.Ramana Moorthy, learned Central Government Standing Counsel for the third respondent

5. Learned Central Government Standing Counsel for the third respondent on instructions would submit that on 19.11.2020, the third respondent had requested the Commissioner of Police, Chennai to submit police verification report with regard to the adverse report received against the petitioner. According to him, Intelligence Service Department, Commissioner of Police, Chennai by their report dated 24.12.2020 has stated that the petitioner was not available in his house, when the police officials had gone there for verification. It is also submitted by the learned Standing counsel for the third respondent that thereafter, the third respondent issued show cause notice dated 24.12.2020 to the petitioner calling upon him to give explanation with regard to the adverse report received from the Commissioner of police, Chennai. According to the learned standing counsel, till date, no reply has been received to the said show cause notice.

6. On instructions, the learned counsel for the petitioner would submit that the petitioner was away from Chennai and had gone to Mettupalayam to visit his mother-in-law and that is the reason for his absence in his house at Chennai when the police officials had come there for verification. Learned counsel for the petitioner on instructions would further submit that the petitioner is prepared to send reply to the show cause notice sent by the third respondent and would submit that on receipt of the same, the third respondent can pass final orders on the petitioner's application seeking for renewal of his passport.

7. After recording the submissions made by the learned counsel for the petitioner as well as the learned standing counsel for the third respondent, this Court directs the petitioner to submit a reply to the show cause notice dated 24.12.2020 sent by the third respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third respondent shall consider the petitioner's application seeking for renewal of his passport which expired on 15.01.2019 and pass final orders on merits and in accordance with law after giving due consideration to the reply sent by the petitioner as well as to the criminal cases pending against the petitioner in C.C.No.3 of 2013 and in C.C.No.60 of 2018 within a period of eight weeks thereafter.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Superintendent of Police,
SPR:CBI:ACB:Chenani,
Crime No.RC. 33(A)/2011/ACB.

2.Directorate of Enforcement,
Represented by its Assistant Director,
Government of India,
Ministry of Finance, Department of Revenue,
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+1cc to Mr.K.Rajagopal Vasudevan, Advocate SR.9247

W.P.No.15656 of 2020

VG I(CO)
CB(18/02/2021)



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