

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.18068 of 2020

Haris Ahmed Kose

...Petitioner

Vs

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

2. The Regional Passport Officer,
Passport Seva Kendra,
No.1, Bhanumathi Ramakrishna Road,
Vijayaraghavapuram,
Saligramam, Chennai 600 093.

3. The Inspector of Police,
Ambur Town Police Station,
Nethaji Road, Ambur,
Tamil Nadu - 635 802

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to issue passport to the petitioner by considering the representation dated 05.10.2020, within the time stipulated by this Court.

For petitioner ... Mr.V.K.Yunus Mohammed

For respondents 1 & 2 ... Mr.K.Gangadharan
CGSC

For Respondent-3 ... Mr.V.Shanmugasundar,
Spl.Govt.Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the first respondent to issue passport by considering the petitioner's representation dated 05.10.2020 within a time frame to be fixed by this Court.

2. It is the case of the petitioner that he applied for passport through on-line on 07.08.2020 and he was called for an appointment on 11.08.2020. He also attended the personal interview before the second respondent on 11.08.2020. According to him, till date, the passport has not been issued to him. In such circumstances, this Writ Petition has been filed.

3. A counter affidavit has been filed before this Court by the respondents 1 and 2, wherein, they have stated that the petitioner has not disclosed in his passport application about the crime numbers pending against him in PS.Cr.No.1553 of 2020 under Sections 188, 269, 270, 420, 468 I.P.C read with Sections 2 and 3 of Epidemic Diseases Act, and Section 51(b) of the Disaster Management Act, 2005. According to the respondents 1 and 2, only under the said circumstances, the passport has not been issued to the petitioner.

4. Heard Mr.V.K.Yunus Mohammed, learned counsel for the petitioner, Mr.K.Gangadharan, learned Central Government Standing Counsel appearing for the respondents 1 and 2 and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondent-3.

5. Admittedly, in the on-line passport application submitted by the petitioner on 07.08.2020 seeking for passport, he has not disclosed the criminal complaints lodged against him in PS.Cr.No.1553 of 2020 under Sections 188, 269, 270, 420, 468 I.P.C read with Sections 2 and 3 of Epidemic Diseases Act, and Section 51(b) of the Disaster Management Act, 2005. Necessarily, the petitioner ought to have disclosed the pendency of the criminal cases against him in the passport application. The respondents 1 and 2, in their counter affidavit, have also contended that only due to the non-disclosure by the petitioner of the criminal cases pending against him, they have not processed the passport application of the petitioner.

6. Admittedly, no charge sheet has been filed till date against the petitioner. It is settled law that mere pendency of an F.I.R is not a bar for the passport Office to issue a passport. However, the same will have to be considered by the respondents on merits and in accordance with law. Since the

petitioner has not disclosed the crime numbers pending against him in his passport application, he will have to submit a fresh application to the second respondent seeking for issuance of fresh passport, after disclosing all the criminal cases registered under various crime numbers pending against him without suppression of any material facts. On receipt of the said application, the second respondent will have to consider the same on merits and in accordance with law.

7. In the result, the petitioner is directed to submit a fresh passport application with the second respondent disclosing all the material facts including giving the details of all the criminal cases pending against him in various crime numbers, within a period of one week from the date of receipt of a copy of this order. On receipt of the said application, the second respondent shall pass final orders on merits in accordance with law, within a period of four weeks thereafter.

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

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

srn

To

1.The Regional Passport Officer,
Chennai Rayala Towers,
Nos.2 and 3, IV Floor,
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Anna Salai, Chennai 600 002,
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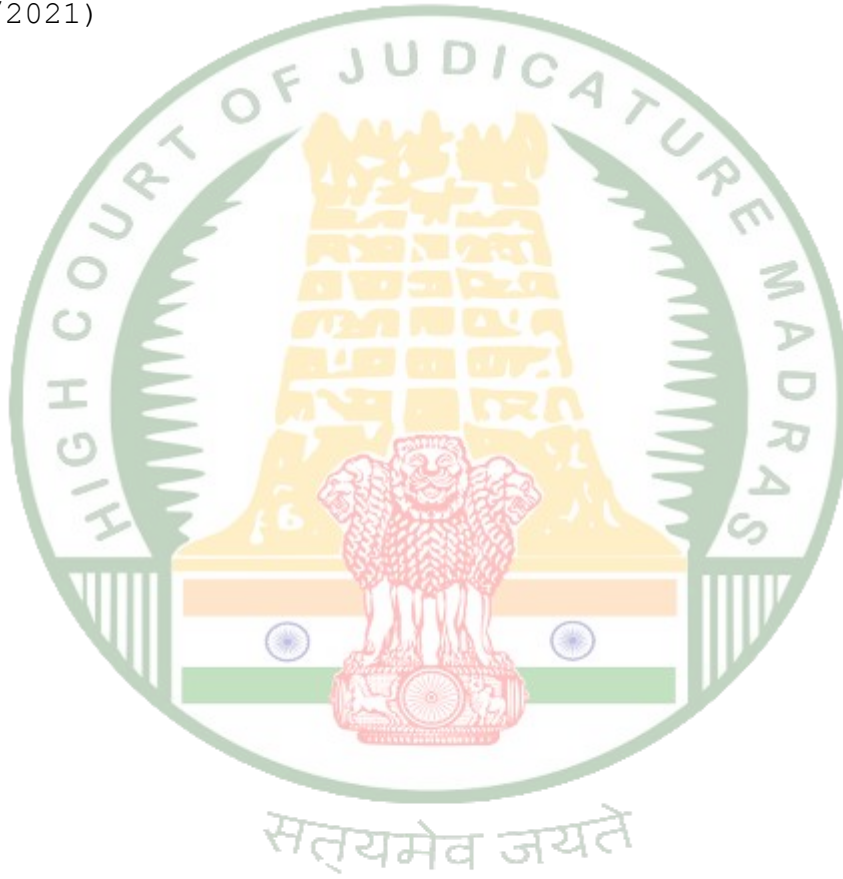
2.The Regional Passport Officer,
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3.The Inspector of Police,
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+1CC to M/s.Yunus Mohammed Advocate, SR No. 9268.

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RSI (CO)
NRA (09/03/2021)



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