



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No. 18705 of 2021

Thejas Swarup A. Kethini

...Petitioner

Versus

The Regional Passport Officer
Regional Passport Office
Ministry of External Affairs
Government of India, Rayala Towers,
No.2 & 3, IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai 600 002.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to issue valid passport in the petitioner's name within 15 days.

For Petitioner : Dr. S.R.Sundaram

For Respondent : Mr. N.Ramesh

ORDER

This writ petition has been filed by the petitioner seeking to issue a Writ of Mandamus directing the respondent to issue a valid passport in his name within 15 days.

2. The petitioner's former wife namely Vemparala Veena had filed a false complaint in C.C.No.381 of 2005 on the file of the Special Judicial Magistrate of First Class for Excise, Chittoor, Chittoor District, Andhra Pradesh and it was dismissed vide order dated 28.12.2012. The Appeals in C.A.No.90 of 2012 and CrI.R.C.1849 of 2013 filed by the petitioner's former wife, were also ended against her. During pendency of the above proceedings, she had filed a Divorce petition in FCOP No.56 of 2006 before the Family Court cum V Additional District Court, Tirupathi and by order dated 13.09.2007, their marriage dated 21.12.2003 was dissolved. Pending C.A.No.90 of 2012, an interim order was passed, suspending the return of the Original Passport and thereafter, it was ordered to be released. After receipt of



the Passport, the petitioner had applied for re-issuing of Passport, requesting for incorporating the change of personal details in the passport. However, the application was closed by the Passport Authorities for not furnishing the court order in Crl.R.C.No.1849 of 2013. Though the petitioner had applied for getting the copy of the order, it is not yet made ready. The Hon'ble Andhra Pradesh High Court's web site displays that "the case is disposed on 26.09.2018". However, the respondent sent a letter dated 06.07.2021 stating that if the aforesaid order copy is not produced, the application will be closed. Hence the petitioner prays for direction to the respondent to re-issue the Passport to the petitioner, by taking into account the extract of Website of Andhra Pradesh High Court, which is a public document and sufficient to prove that the above Crl.R.C.1849 of 2013 was disposed of.

3. The learned counsel appearing for the petitioner submitted that the Trial and Appeal proceedings have taken place in the State of Andhra Pradesh and that despite efforts taken by the petitioner to get the order copy of the Crl.R.C.No.1849 of 2013, he could not receive it. He further submitted that in view of the non-availability of valid Passport, the petitioner loses his opportunities to take up foreign assignments and hence, he prays that without insisting upon the aforesaid order copy, the Passport Authority may be directed to re-issue the Passport to the petitioner.

4. The learned counsel appearing for the respondent submitted that the application of the petitioner for re-issuing the passport was closed, as there was no response from the petitioner to furnish the copies of the orders passed by the Andhra Pradesh High Court. However, he fairly submitted that if the petitioner submits a fresh application for re-issuing the Passport along with necessary documents, it will be considered in a weeks time.

5. The complaint given against the petitioner by his wife in C.C.No.381 of 2005 was for the offence under Section 498(A) of Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act and it ended in acquittal. The appeals filed thereagainst in C.A.No.90 of 2012 and Crl.R.C.No.1849 of 2013 also ended in favour of the petitioner. The application for re-issuing the Passport given by the petitioner came to be closed citing non-production of copy of the order. This Court is of the view that there may not be any justification on the part of the respondent in closing the application on the ground of non-production of the order passed in the case filed before the Andhra Pradesh High Court. Further, it cannot be lost sight of the fact that the web copy from the website of the Andhra



Pradesh High Court discloses about the disposal of the cases against the petitioner.

6. In such view of the matter, considering the facts and circumstances of the case and taking note of the submission made by the learned counsel appearing for the respondent, this court directs the petitioner to submit a fresh application to the respondent along with a copy of this order, within a period of one week from the date of receipt of a copy of this order and on such application being submitted, the respondent shall consider the same and re-issue the Passport, if the petitioner satisfies all other conditions thereto.

7. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mst/rsh

To

The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Government of India, Rayala Towers,
No.2 & 3, IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai 600 002.

+2ccs to Dr.S.R.Sundaram, Advocate, Sr.47825

WP No.18705 of 2021

VBM[co]
NSK 22/09/2021