



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23671 of 2021

S.Saravanan

...Petitioner

Vs.

1. The Regional Passport Officer,
Chennai Royala Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai-2.

2. The Inspector of Police,
DCB Branch, Kanchipuram.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to re-issue passport to the petitioner considering his online application vide file number MA207308495/520 on 04.11.2020 within a time frame as fixed by this Court.

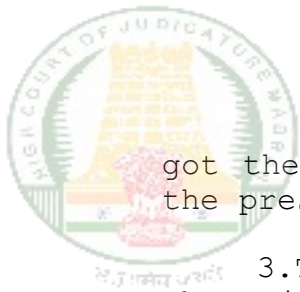
For Petitioner : Mr.R.Abdul Mubeen

For Respondents: Mr.S.Janarthanan R1
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking for issuance of Writ of Mandamus directing the first respondent to re-issue passport to the petitioner considering his online application dated 04.11.2020.

2.The case of the petitioner is that the petitioner has lost his passport, while he was travelling on 12.02.2020, for which, he lodged a complaint before the second respondent dated 30.10.2020. Again, the petitioner had applied for re-issuance of passport with the first respondent and the petitioner has called for the verification for issuance of the passport. Thereafter, there is no progress in this matter and the petitioner has not



got the fresh passport, so far. Hence, the petitioner has filed the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice if this Court issues a direction to the first respondent to consider the petitioner's representation dated 04.11.2021 and to pass appropriate orders, within the reasonable time fixed by this Court.

4. The learned Standing counsel submitted that the petitioner is involved in Cr.No.20 of 2007 under Sections 420, 467, 468, 471 and 477 A IPC pending before the learned Judicial Magistrate, Sriperumbudur in CC.No.312 of 2010 and subsequently, the same was transferred to the learned Judicial Magistrate-I, Kancheepuram and renumbered as CC.No.72 of 2020 and the same is pending. When the criminal case is pending against the person, the passport cannot be issued. Therefore, the present writ petition has to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents and perused the materials available on record.

6. It is seen from the records that the petitioner has lost his passport. Due to which, he lodged a complaint before the respondent police and the said passport was untraced. Then the petitioner has again applied for re-issuing the passport before the first respondent. The said application was rejected because the petitioner is involved in the criminal case and the same is pending before the concerned Court. The issuance of passport can be denied, when the persons have a criminal history or cases pending. This could be done only to ensure that the person is available in the country during trial. Once the charges initiated against him were dropped against the person, then the person is in a position to obtain certificate affirming the same before the concerned official, which will also include cases, where there are warrants issued in their name.

7. In the present case on hand, the petitioner is involved in Crime No.20 of 2007 and charge sheet has been filed in CC.No.72 of 2020 before the Judicial Magistrate-I, Kancheepuram and the same is pending. When the trial is going on, this court cannot issue any positive direction to the first respondent to re-issue the passport to the petitioner. This Court cannot decide the matter at this stage and the claim of the petitioner is to be rejected.

8. The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out his remedy in



the manner known to law after disposal of the calendar case pending before the trial Court. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Regional Passport Officer,
Chennai Royala Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai-2.
2. The Inspector of Police,
DCB Branch, Kanchipuram.
3. The Public Prosecutor,
High Court, Madras.

Copy To

The Judicial Magistrate No.1,
Kancheepuram District.

+1cc to Mr.Abdul Mubeen, Petitioner Advocate, S.R.No.58395

W.P.No.23671 of 2021

NR(CO)
RGA(22/12/2021)