



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.24911 OF 2017

Thulfukar Ali

... Petitioner

Vs.

1. The Regional Passport Officer,
Government of India, Ministry of External Affairs,
Regional Passport Office,
No. 25, AGT, Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore.

2. The Deputy Superintendent of Police,
(Chief Investigation Officer),
C.B.C.I.D. (S.I.T),
Chennai.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent-1 to consider and decide the application of the petitioner dated 25.07.2017 in accordance with law and issue the passport to the petitioner within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.P.Pugalenth

For R1 : Mr.T.V.Krishnamachari
Senior Panel Counsel

For R2 : Mr.P.Muthukumar (Govt.Pleader)
assisted by Mr.V.Nanmaran
Additional Government Pleader



O R D E R

This writ petition has been filed to issue a Writ of Mandamus, to direct the first respondent to consider and decide the application of the petitioner dated 25.07.2017 in accordance with law and issue the Passport to the petitioner.

2. The case of the petitioner is that he made an application for getting the Passport from first respondent. The second respondent/Police, on verification, has forwarded a report to the first respondent, stating that a criminal case is pending against the petitioner. The petitioner submitted that he was falsely implicated in a case in Crime No.1018 of 1999 and further submits that, pending the criminal case itself is not a valid ground to reject his application to issue Passport. Aggrieved by the same, the petitioner is before this Court by virtue of the writ petition.

3. Mr.T.V.Krishnamachari, learned Senior Panel Counsel would submit that the petitioner may approach the concerned jurisdictional Court, where he can make his application to return the passport and referred the Paragraph No.6 of his counter affidavit, which reads as under:

"6. I humbly submit that this office is following the procedures as laid down in the Passport Act,1967 and the Passport Manual. Since the criminal cases are still pending against the petitioner he is advised to produce either the judgment order for acquittal or permission to issue passport to the petitioner to depart from India, from the jurisdictional Court."

4. In reply, the learned counsel for the petitioner requested this Court to grant liberty to approach the jurisdictional Court to file an application and to get permission, in accordance with law.

5. Mr.P.Muthukumar, learned Government Pleader appearing for the second respondent submitted that, after the enquiry, since the criminal case is pending, they have forwarded the application to the first respondent. He further submits that it is for the petitioner to approach the jurisdictional Court and it is for the jurisdictional Court to decide whether the permission can be granted or not depends upon the veracity of the offence committed by the petitioner.

6. In view of the above submissions, this Court is of the view that it would be appropriate to direct and accordingly the petitioner is directed to approach the jurisdictional Court,



where the Criminal Case is pending against him and file an application before the said Court and in such an event, the Court may consider the same on merits and in accordance with law.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Regional Passport Officer,
Government of India, Ministry of External Affairs,
Regional Passport Office,
No. 25, AGT, Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore.
2. The Deputy Superintendent of Police,
(Chief Investigation Officer),
C.B.C.I.D. (S.I.T),
Chennai.

+1cc to the Government Pleader, S.R.No.62241

W.P.No.24911 of 2017

KG (CO)
RLP (17/12/2021)