



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL**

W.A(MD)No.462 of 2021
and
C.M.P(MD)Nos.1922 & 1923 of 2021

Arumugam @ Siva Arumugam

... Appellant/Petitioner

Vs.

1. The Regional Passport Officer,
Passport Seva Kendra,
Madurai.

2. The Inspector of Police,
Civil Supply Crime Investigation Department,
CSCID, Madurai,
Crime No.46/2008.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 26.11.2020 made in W.P(MD)No.14817 of 2018 on the file of this Court.

Prayer in WP(MD)No.14817/2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent herein to issue passport to the petitioner pending in File No.MD 1070308480917 without referring to the pending criminal case in C.C.No.38 of 2010 on the file of Judicial Magistrate -III, Madurai.

For Appellant : Mr.Veera Kathiravan
Senior Counsel
for M/s.Veera Associates

For R - 1 : Mrs.L.Victoria Gowri
Assistant Solicitor General of India

For R - 2 : Mr.K.P.Narayana Kumar
Special Government Pleader



JUDGMENT

(Judgment of the Court was delivered by PUSHPA SATHYANARAYANA,J.)

The Writ Appeal is directed against the order passed by the learned Single Judge in W.P(MD)No.14817 of 2018, dated 26.11.2020.

2.Originally, the appellant/writ petitioner had filed the said Writ Petition to issue a Writ of Mandamus, directing the first respondent to issue passport to the writ petitioner without referring to the criminal case in C.C.No.38 of 2010, on the file of the Judicial Magistrate-III, Madurai.

3.While disposing of the said Writ Petition, the learned Single Judge had observed in para No.5, which reads as follows:-

"5.Since it is represented by the petitioner that he has been acquitted from the criminal case as early as on 05.03.2020, he is directed to produce a copy of the order passed in C.C.No.38 of 2010 by Judicial Magistrate-III, Madurai, within a period of 30 days from the date of receipt of a copy of this order and on such production, the first respondent shall scrutinize the said order and upon satisfaction, shall issue passport to the petitioner within 60 days thereafter subject to the following conditions:

"(i) Whenever the petitioner travels abroad, he shall submit his tour plan/schedule before the Passport Authority, four days prior to his departure together with his contact number and e-mail address.

(ii) The petitioner shall furnish the self-attested copies of the travel documents viz. Visa, Air Ticket, etc., relating to his journey before the Passport Authority,

(iii) The petitioner shall also furnish his full address of stay abroad, contact telephone numbers, fax number, e-mail address, etc., to the respondent.

(iv) The petitioner, on his return to India, shall intimate the same to respondent and produce the self-attested copy of all pages of the passport within two working days of his returning India.

(v) In case he travels abroad, without any intimation as per the conditions mentioned supra, it is open to the Passport Authority either to cancel or not to renew the passport in future.



(vi) The Passport Authority must ensure that there is an endorsement in the passport that the passport has been issued pursuant to the orders of this Court and in case, the Passport/Airport Authorities require a copy of the order, it should be produced by the petitioner to them so that they can verify the genuineness of the travel and the said endorsement should be made in all his renewed passports in future.

(vii) The passport authority shall keep a separate record in regard to this petitioner so that genuineness of his travel and other relevant details shall be ascertained as and when required.""

4. Admittedly, the appellant has been acquitted from the criminal case and when there is no impediment for the authority to issue the passport, the conditions imposed by the learned Single Judge are unwarranted. Therefore, the conditions imposed are expunged and the first respondent is directed to issue passport to the appellant within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS-)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Regional Passport Officer,
Passport Seva Kendra,
Madurai.



2. The Inspector of Police,
Civil Supply Crime Investigation Department,
CSCID, Madurai.

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+1 CC to M/s.VEERA ASSOCIATES, (SR-9017[F] dated 05/03/2021)
+1 CC to SPECIAL GOVERNMENT PLEADER (SR-8704[F] dated 04/03/2021)

PS

TE : 12/03/2021 : 4P/5C

W.A (MD) No.462 of 2021
03.03.2021