



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No. 6265 of 2021

Sunil Vetha Raj

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.

3.The Embassy of India,
Riyadh,
Saudi Arabia.

... Respondents

(R-3 is *suo motu* impleaded as the third respondent vide order dated 12.11.2021 in W.P(MD).No.6265 of 2021)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to renew passport bearing No.J3346755 to the petitioner based on his application in file Number SB2074342908120 dated 23.11.2020 within a stipulated time.

For Petitioner	:	Mr.R.Krishnan
For R-1 and R-3	:	Mrs.L.Victoria Gowri, Assistant Solicitor General of India.
For R-2	:	Mr.D.Gandhiraj, Special Government Pleader.

ORDER

Heard Mr.R.Krishnan, learned counsel for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India who takes notice for the first respondent and Mr.D.Gandhiraj, learned Special Government Pleader who takes notice for the second



2. The petitioner is now in Riyadh, Saudi Arabia. The passport of the petitioner has expired. He had applied for renewal of passport. When necessary verification was done with respect to the antecedents of the petitioner, it was found that First Information Report in Crime No.445 of 2019 had been registered in Karungal Police Station, Kanyakumari District dated 28.11.2019 in which the petitioner had been shown as an accused and the offences are under section 336, 294 (b) and 506 (1) of IPC. In view of that particular fact, the Embassy of India at Riyadh, Saudi Arabia had not renewed the passport of the petitioner.

3. It is the contention of learned Assistant Solicitor General of India that in view of the pendency of this particular First Information Report, the first respondent cannot give any directions or issue the passport directly and the entire issue will have to be resolved only by the Embassy of India, Riyadh, Saudi Arabia. Accordingly, since the said Embassy of India is not a party to the Writ Petition, *suo motu*, the Embassy of India at Riyadh is impleaded as the third respondent in the Writ Petition. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, takes notice on behalf of the third respondent.

4. The following directions are therefore issued. Since the pendency of a First Information Report, would not necessarily mean that the petitioner is convicted of any offence, but it is only regarding the information given to the police, it would not be a bar for the renewal of passport. Therefore, necessary proceedings may be issued by the Embassy of India, Riyadh, Saudi Arabia recommending the renewal of passport of the petitioner herein by placing necessary conditions and if the passport is otherwise in order and can be renewed and on receipt of necessary fees for the same.

5. The petitioner may also forward an undertaking to the Inspector of Police, Karungal Police Station, Kanyakumari District and a copy of the same to the Embassy of India in Riyadh, Saudi Arabia, who is the third respondent herein. In that particular communication addressed to the Inspector of Police, Karungal, Kanyakumari District, the petitioner should give an undertaking that on coming back to India, he would surrender himself to the said authority without any delay. If this process is undertaken, then the third respondent who is now impleaded may undertake the process of renewing the petitioner's passport and give necessary instructions to the first respondent.



6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (T & P)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.

3.The Embassy of India,
Riyadh,
Saudi Arabia.

+1 CC to M/s.M.KRISHNAN, Advocate (SR-34418[F] dated 15/11/2021)

+1 CC to M/s.SPL GP (SR-34452[F] dated 15/11/2021)

**W.P (MD) No. 6265 of 2021
12.11.2021**

RS (30.11.2021) 3P 6C