



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8815 of 2021

R.Krishnamoorthy

... Petitioner

Vs.

1.State rep. by its

The Secretary,
Ministry of External Affairs,
South Block,
New Delhi - 110 011.

2.The Regional Passport Officer,
O/o. Regional Passport Office,
Bharathi Ula Veethi,

Race Course Road,
Madurai - 625 002.

3.The Inspector of Police,
North Police Station,
Dindigul Town.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent for renewal of his passport in file No.MD1072514050519, dated 15.10.2019, as per the directives issued in notification in GSR S70-(E), dated 25.08.1993, on the file of the 1st respondent herein, pending before the 2nd respondent, within the time stipulated by this Court.

For Petitioner : Mr.V.Muthumani

For Respondent : Mr.K.R.Laxman for R1 & R2
Standing Counsel
Mr.P.Mahendran, for R3
Additional Government Pleader

ORDER

This writ petition has been filed for the issuance of writ of mandamus, directing the second respondent to renew the passport, within the time fixed by this Court.



2. Heard Mr.V.Muthumani, learned counsel for the petitioner, Mr.K.R.Laxman, learned Standing Counsel, appearing for the respondents 1 & 2 and Mr.P.Mahendran, learned Additional Government Pleader, appearing for the respondent No.3.

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3. It is seen from the records that the petitioner had already approached this Court and filed W.P.(MD).No.9442 of 2020, seeking for renewal of the passport. This Court disposed of the said writ petition by order, dated 18.08.2020 and the relevant portion in the order is extracted hereunder:

"2. The petitioner seeks renewal of the petition mentioned passport. The learned Assistant Solicitor General states that against the petitioner there are two Criminal cases. In one case charge sheet has already been filed but it is yet to be taken on file. In the other case, it had already been taken on file and the trial is pending. Since the petitioner has not impleaded the jurisdictional police, other details are not available as of now. Since the learned Assistant Solicitor General firmly states that one criminal case against the petitioner has already been taken cognizance and it is pending trial, the petitioner has to necessarily move the jurisdictional trial Court for relief. Liberty is given to the petitioner to move the jurisdictional trial Court. I make it clear that I have not gone into the merits of the matter. I am only relegating the petitioner to move the jurisdictional trial Court. As when the petitioner files a petition, the same will be disposed of by the trial Court on merits and in accordance with law, within a period of four weeks thereafter."

4. It is stated that pursuant to the orders passed by this Court, the petitioner approached the Court below and filed a petition and sought for appropriate orders. Unfortunately, the Court below has returned the petition on the ground that it has no jurisdiction to try the case under the Passport Act. Aggrieved by the same, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the learned Judicial Magistrate No.II, Dindigul, completely misdirected himself in understanding the orders passed by this Court in W.P.(MD).No.9442 of 2020. The Court below is not dealing with the case arising out of the Passport Act. In the present case, there is a criminal proceeding pending against the petitioner before the learned Judicial Magistrate No.II, Dindigul. Under such circumstances, any renewal of passport can be done only after getting appropriate



orders from the Court, in which the criminal proceedings are pending. This is done by virtue of the notification issued by the Ministry of External Affairs in GSR S70-(E), dated 25.08.1993.

6.While this Court disposed of the earlier writ petition, the said notification was taken into consideration and the petitioner was given the liberty to move the Court below seeking for the necessary permission. Therefore, the Court below ought to have entertained the petition and should not have returned to the petitioner.

7.In view of the above, there shall be a direction to the learned Judicial Magistrate No.II, Dindigul, to entertain the petition filed by the petitioner and consider the same on its own merits and pass appropriate orders to enable the petitioner to get the passport renewed. This process shall be completed by the learned Judicial Magistrate No.II, Dindigul, within a period of six weeks from the date of receipt of a copy of this order. It is left open to the learned Magistrate to impose any reasonable conditions.

8.This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Secretary,
Ministry of External Affairs,
South Block,
New Delhi - 110 011.



2.The Regional Passport Officer,
O/o. Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

3.The Inspector of Police,
North Police Station,
Dindigul Town.

Copy to
The Judicial Magistrate No.II,
Dindigul.

+1 CC to M/s.V.MUTHUMANI, Advocate (SR-18040[F] dated
29/04/2021)
+1 CC to M/s.K.R.LAXMAN, Advocate (SR-18046[F] dated 29/04/2021)
+1 CC to M/s.GP (SR-18400[F] dated 03/05/2021)

W.P. (MD) .No.8815 of 2021
29.04.2021

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TR(05.05.2021) 4P 8C