



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.14847 of 2020

and

W.M.P. (MD)Nos.12506, 12507 and 12510 of 2020

WEB COPY

P.Paritha

... Petitioner

-Vs-

1.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.359 of 2018)

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter Ref.No.IMP/310245873/20 dated 08.10.2020 on the file of the Respondent No.2 and quash the same as illegal and consequently issue a direction, forbearing the Respondent No.2 from impounding the Passport of the petitioner without following due process of law.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.C.Ramar,

Additional Government Pleader for R1
Mr.Narayanram for R2.

ORDER

Heard the learned counsel on either side.

2.The petitioner is a holder of the petition mentioned passport. The petitioner questions the impugned communication dated 08.10.2020, whereby, the petitioner has been asked to surrender her passport.

3.The learned counsel appearing for the first respondent informs the Court that Crime No.359 of 2018 was registered against the petitioner and the same has since been taken on file as C.C.No.106 of 2018 on the file of the Judicial Magistrate (Additional Mahila Court), Madurai. The second respondent has filed a counter affidavit fairly admitting that the show cause notice issued to the petitioner on 08.10.2020 seeking an



explanation as to why, she did not disclose the information regarding the pendency of the criminal case. It appears that the impugned communication was also erroneously generated in the computer system and dispatched to the petitioner. As rightly pointed out by the petitioner's counsel, the impugned communication has been issued even without getting the petitioner's explanation. Since the respondents themselves have recalled the same, there is no need to pass further orders in the writ petition. The petitioner is given two more weeks from the date of receipt of a copy of this order to offer her explanation to the show cause notice dated 08.10.2020. The second respondent will pass appropriate orders in accordance with law after considering the petitioner's explanation.

4.The writ petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Inspector of Police,
Anna Nagar Police Station,
Madurai City.

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

+1 CC to SGP (SR-1150[F] dated 19/01/2021)

W.P. (MD)No.14847 of 2020
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KM (03.02.2021) 2P 4C

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