



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17534 of 2021

and

W.M.P(MD) .Nos.14369, 14370 and 14371 of 2021

Prabaharan Chellathurai

... Petitioner

Vs.

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

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned communications issued by the respondent herein, in letter.Ref.No.SCN/311018885/21, dated 13.07.2021 and quash the same as illegal.

For Petitioner : Mr.C.Kishore
For Respondent : Mrs.L.Victoria Gowri,
Assistant Solicitor General of India.

ORDER

The petitioner challenges a communication dated 13.07.2021 by which the respondent called upon the petitioner to show cause as to why his passport should not be impounded. In addition, he was also called upon to surrender his passport along with the explanation.

2. The petitioner states that he was issued Passport No.M1313690 dated 22.08.2014, which is valid until 21.08.2024. As of the date of application for such passport, the petitioner states that no F.I.R. was pending against him and no criminal court had taken cognizance of any case in which he was an accused. In these circumstances, the petitioner states that he received the impugned show cause notice, whereby reference is made to Crime No.148 of 2021. The petitioner states that he was not summoned or arrested in Crime No.148 of 2021. He asserts that it is a false



case foisted on him in view of a prior enmity with the complainant. In any event, the petitioner states that he did not suppress any material facts while submitting the application for a passport in the year 2014.

3. Therefore, he submitted an explanation to the show cause notice on 29.07.2021. In spite of receiving such explanation, he states that no action has been taken pursuant to his explanation. Consequently, the petitioner is unable to accept employment outside India.

4. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, accepts notice for the sole respondent. She submits that the petitioner's explanation would be considered and orders would be passed within a reasonable time frame.

5. From the documents on record, especially the show cause notice, it is evident that the allegation against the petitioner is that he suppressed a material fact relating to a pending criminal case in Crime No.148 of 2021. Given the fact that the petitioner applied for the passport in the year 2014, *prima facie* it does not appear that the petitioner suppressed material facts. The petitioner has also submitted an explanation to the above effect. In addition, the respondent should take note of earlier judgments of this Court to the effect that the mere lodging of an F.I.R. is not a ground to refuse to issue a passport or impound a passport unless a competent criminal court has taken cognizance of such offence. These aspects should be taken into account while considering and taking a decision on the issue at hand.

6. Subject to the above observations but without entering any findings on the merits of the matter, the respondent herein is directed to consider the petitioner's explanation dated 29.07.2021 in response to the show cause notice dated 13.07.2021 and dispose of the proceedings by a reasoned order within a period of two (2) months from the date of receipt of a copy of this order.

7. Accordingly, W.P.(MD).No.17534 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).Nos.14369, 14370 and 14371 of 2021 stand closed.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

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

+1 CC to M/s.C.KISHORE, Advocate (SR-30757[F] dated 30/09/2021)

W.P (MD) No.17534 of 2021
30.09.2021

RD(18.10.2021) 3P 3C