



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17493 of 2021

Mathivanan Perumal

... Petitioner

Vs.

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

2.The Inspector of Police,
B4, Kottampatti Police Station,
Melur-635 103,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the letter dated 07.09.2021 in No.SCN/311183111/21 on the file of the Regional Passport Office, Madurai Bharathi Ula Veethi Race Course Road, Madurai, the first respondent herein and quash the same.

For Petitioner	:	Mr.A.V.Arun
For R-1	:	Mrs.L.Victoria Gowri, Assistant Solicitor General of India.
For R-2	:	Mr.K.S.Selva Ganesan Counsel for State.

ORDER

The petitioner challenges a show cause notice dated 07.09.2021 from the first respondent.

2.The petitioner states that he applied for re-issuance of the passport and Passport No.V0644099 was issued to him by the Regional Passport Office, Madurai. Subsequently, citing Crime No.77 / 2016, the petitioner states that the impugned notice was issued to him. The petitioner challenges the impugned notice on the ground that no charge sheet was filed pursuant to the F.I.R. and such complaint did not result in a competent criminal court taking cognizance of the alleged offences. Therefore, the petitioner contends that the first respondent does not have the legal right to impound the Passport under the Passports Act, 1967. The present Writ Petition is filed in these facts and circumstances.



3.Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, accepts notice on behalf of the first respondent and Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the second respondent.

4.The impugned show cause notice has been issued by invoking powers under the Passports Act, 1967. Although the petitioner contends that the relevant F.I.R. did not result in a competent criminal court taking cognizance of the alleged offences, it cannot be stated that the issuance of the show cause notice is *ex facie* without jurisdiction. Needless to say, it is open to the petitioner to provide an explanation in response to the show cause notice and even cite authorities to support the petitioner's contention. If such explanation is tendered, it would be obligatory for the first respondent to consider such explanation and the authorities cited in support thereof before taking a decision. In view of the fact that the petitioner has obtained employment in the United Arab Emirates, it is just and necessary that the matter be resolved at the earliest.

5.For reasons set out above, the petitioner is permitted to submit an explanation in response to the notice dated 07.09.2021. Such explanation shall be submitted within a period of one (1) week from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to consider the petitioner's explanation and dispose of the pending proceedings within a period of one (1) month from the date of receipt of such explanation.

6.Accordingly, W.P.(MD).No.17493 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/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 Office,
Madurai Bharathi Ula Veethi
Race Course Road,
Madurai-625 002, Tamil Nadu.

2.The Inspector of Police,
B4, Kottampatti Police Station,
Melur-635 103,
Madurai District.

+1 CC to M/s.A.V.ARUN, Advocate (SR-30813[F] dated 30/09/2021)

+1 CC to M/s.SPL.GP (SR-30732[F] dated 30/09/2021)

**W.P (MD) No.17493 of 2021
29.09.2021**

DJ(CO)/RS (11.10.2021) 3P 5C