



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)Nos.18406 and 18581 of 2021

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W.P.(MD)No.18406 of 2021:-

C.Panneer Mohamed

... Petitioner

vs.

1.The Regional Passport Authority,
Passport Office,
Bharathi Ula Street, K.Pudur, Madurai.

2.The Assistant Passport Authority,
Passport Office, Bharathi Ula Street,
K.Pudur, Madurai.

3.The Inspector of Police-cum-Investigation Officer,
Illicit Granite Quarry cases,
Melur Circle, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 and 2 to permit the petitioner to travel abroad by returning the petitioner's re-issued passport by them vide Passport No.S1007230 issued on 21.05.2018 (Original Passport No.F9593920 issued on 19.09.2006) on the strength of the petitioner's representation, dated 30.09.2021 as expeditiously as possible within a time stipulation as prescribed by this Court.

For Petitioner :Mr.R.Anand

For R1 and R2 :Mrs.L.Victoria Gowri
Assistant Solicitor General of India

For R3 :Mr.N.Satheesh Kumar
Additional Government Pleader

W.P.(MD)No.18581 of 2021:-

Phyrose Begam

... Petitioner

vs.



1.The Regional Passport Authority,
Passport Office,
Bharathi Ula Street, K.Pudur, Madurai.

2.The Assistant Passport Authority,
Passport Office, Bharathi Ula Street,
K.Pudur, Madurai.

3.The Inspector of Police-cum-Investigation Officer,
Illicit Granite Quarry cases,
Melur Circle, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 and 2 to permit the petitioner to travel abroad by renewing the petitioner's passport issued by them vide Passport No.J8814035 (Original Passport No.E0819355 issued on 20.12.2001) on the strength of the petitioner's representation, dated 05.10.2021 as expeditiously as possible within a time stipulation as prescribed by this Court.

For Petitioner	:Mr.R.Anand
For R1 and R2	:Mr.V.B.Sundareswar Central Government Standing Counsel
For R3	:Mr.N.Satheesh Kumar Additional Government Pleader

COMMON ORDER

W.P.(MD)No.18406 of 2021 has been filed by C.Panneer Mohamed and W.P.(MD)No.18581 of 2021 has been filed by his wife Phyrose Begam.

2.Both the petitioners have the benefit of having been issued with Indian passports. The passport of the petitioner in W.P.(MD) No.18406 of 2021 is still in force, whereas, the passport of the petitioner in W.P.(MD)No.18581 of 2021 has expired. Both the passports have been impounded by the Investigation Officer during the course of investigation with respect to various First Information Reports registered against the petitioners herein.

3.Let me not enter into a discussion of the nature of offences. It is stated that in most of the cases, after investigation, final report has been filed before the learned Judicial Magistrate, Melur, and the cases are either in the committal stage or having been committed to the Court of Sessions. Either way, both the petitioners have been categorised as accused in the various criminal cases.



4.Now the petitioners state that they want to go to Dubai, since their daughter and son are permanently residing there. They also have business connections and for various other reasons, which according to them, more than justify them to go abroad and they have expressed their intention to go abroad for which, they require passports.

5.The passports, as stated, have been impounded. Seeking a direction in that particular regard, the present Writ Petitions have been filed in the nature of Mandamus primarily against the first and second respondents/Regional Passport Authority at Madurai and Assistant Passport Authority, Madurai, seeking permission to travel abroad. They also request that the passports, which have been impounded, may be re-issued to them. The petitioner in W.P.(MD) No.18581 of 2021, quite apart from seeking that particular relief, also seeks the relief of renewal of passport and I presume that whatever the conditions are required for such renewal, would naturally have to be complied with by the petitioner in W.P.(MD) No.18581 of 2021.

6.I have the benefit of hearing Mr.R.Anand, learned Counsel for the petitioners, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India appearing for R1 and R2 in W.P.(MD)No.18406 of 2021, Mr.V.B.Sundhareswar, learned Central Government Standing Counsel for R1 and R2 in W.P.(MD)No.18581 of 2021 and Mr.N.Satheesh Kumar, learned Additional Government Pleader for the third respondent in both the Writ Petitions.

7.A direction is given to the learned Judicial Magistrate, Melur, who has taken cognizance of the final reports filed by the Investigation Officer, to examine the stage of the various cases, which are pending and the conditions, which can be imposed upon the petitioners herein to ensure that they appear before the Court either during the time of committal or after the committal before the Sessions Court. For this purpose, let any affidavit or bond or any other undertaking be obtained from the petitioners/accused before the Court. Thereafter, on the basis of such an order, which can of course be passed only upon the petitioners herein filing necessary application in that regard, the first and second respondents may re-issue the passport of petitioner in W.P(MD) No.18406 of 2021 and also indicate the compliances required for renewal of the passport with regard to the petitioner in W.P.(MD) No.18584 of 2021.

8.With the aforesaid directions, these Writ Petitions are disposed of. The Writ Petitioners may therefore, approach the learned Judicial Magistrate, Melur, with necessary applications and also a copy of this order. I am confident that the learned Judicial Magistrate would impose necessary conditions to ensure the presence of the petitioners and pass necessary orders without any unnecessary delay. In giving such an order, I am equally confident that the



respondents 1 and 2 would also do the needful from their end without any unnecessary delay. The entire procedure may also be marked to the Investigation Officer/Inspector of Police, Melur, Madurai. No costs.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Melur, Madurai District

2.The Regional Passport Authority,
Passport Office,
Bharathi Ula Street, K.Pudur, Madurai.

3.The Assistant Passport Authority,
Passport Office, Bharathi Ula Street,
K.Pudur, Madurai.

4.The Inspector of Police-cum-Investigation Officer,
Illicit Granite Quarry cases,
Melur Circle, Madurai District.

+1 CC to M/s.V.B. SUNDHARESHWAR, Advocate (SR-35056[F] dated 18/11/2021)

+1 CC to M/s.SPL GP (SR-34949[F] dated 18/11/2021)

W.P. (MD)Nos.18406 and 18581 of 2021
16.11.2021

SR(CO)
KB(25.11.2021) 4P 7C