



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.4126 of 2014

D.Balasundaram

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Trichy.

2.The Superintendent of Police,
Thanjavur District,
Thanjavur.

3.Ramesh

... Respondents

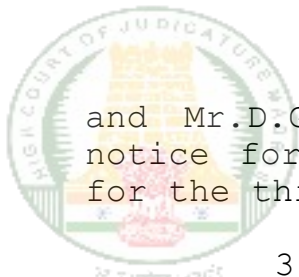
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to initiate appropriate action to impound the passport of the third respondent in conformity with Section 10 of the Passport Act, 1967 by considering the petitioner's application dated 12.02.2014 within the period that may be stipulated by this Court.

For Petitioner	:	Mr.C.Venkatesh Kumar M/S. Ajmal Associates
For R-1	:	M/s.Deepamathi for Mr.C.Nandagopal, CGSC.
For R-2	:	Mr.D.Ghandiraj, Special Government Pleader.
For R-3	:	M/s.Saranya for Mr.N.Sathish Babu

ORDER

This Writ Petition had been filed in the year 2014 for a Mandamus directing the first respondent / the Regional Passport Officer, Trichy to impound the passport of the third respondent taking recourse to Section 10 of the Passports Act, 1967. The petitioner had given an application dated 12.02.2014.

2. Heard Mr.C.Venkatesh Kumar, learned counsel for the petitioner, M/s.Deepamathi, learned counsel for the first respondent



and Mr.D.Ghandiraj, learned Special Government Pleader who took notice for the second respondent and M/s.Saranya, learned counsel for the third respondent.

3. The Writ Petition had been filed in the year 2014 when a First Information Report was registered in Crime No.40 of 2014 for offences under Section 224(b), 324, 506 (ii) of IPC on the basis of a complaint given against the third respondent herein.

4. Apprehending that the third respondent may avoid due process of law, the Writ Petition had been filed by the petitioner after giving a representation seeking to impound the passport of the third respondent. As on date, learned counsel for the third respondent states that subsequently the third respondent had also gone over to Singapore, had come back, had availed the benefit under the passport which he had and therefore, the relief sought in the Writ Petition has become infructuous.

5. It is also seen that the representation was given on the basis of First Information Report only and the pendency of First Information Report cannot be a bar to prevent any person from enjoying the benefits of the passport which was lawfully issued to him. If at all there are reasonable grounds to impound the passport, procedure in accordance with law will necessarily have to be taken and in that connection before initiating such procedure, notice will certainly had to be issued to the holder of the passport namely, the third respondent who will have to be heard. If any action is initiated on the complaint given by the petitioner, then the petitioner and all other parties should be heard and the second respondent should also be heard to give the status of the said First Information Report in Crime No.40 of 2014 and thereafter only a considered decision can be taken.

6. Order in the nature of Mandamus cannot be issued by this Court. It is also seen that it is a dispute between a father-in-law and son-in-law. The father-in-law is the petitioner and the son-in-law is the third respondent. It is for the learned counsels to try to bring about peace in the family particularly taking into consideration the daughter / wife who is actually a victim.

7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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
1.The Regional Passport Officer,
Regional Passport Office,
Trichy.

2.The Superintendent of Police,
Thanjavur District,
Thanjavur.

+1 CC to M/s.SPL GP (SR-35154[F] dated 19/11/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-35211[F] dated
19/11/2021)

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RD(04.12.2021) 3P 5C