



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.24350 of 2018
(Through Video Conference)

Rajthilak

...Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ulla Veethi,
Madurai 2, Madurai District.

2. The Inspector of Police,
All Women Police Station,
Usilampatty, Madurai District.

3. R.Suriyaprabha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent and quash the same and directing the 1st respondent not to impound the passport of this petitioner bearing passport number L-8433894.

For Petitioner: Mr.V.SV.Venkateshvaran

For R-1 : Mr.K.Prabhu, C.G.C

For R-2 : Mr.K.P.Narayanakumar,
Special Government Pleader

For R-3 : Mr.B.Sukumar

O R D E R

This Writ Petition has been filed challenging the impugned proceedings of the first respondent dated 06.09.2018 wherein the first respondent has initiated proceedings to impound the passport belonging to the petitioner.

2. The first respondent has filed a counter affidavit in this case. The relevant portions in the counter affidavit are extracted hereunder:

"(8) It is submitted that, as the criminal case in Cr.No. 22 of 2017 registered in All Women Police Station, Usilampatty, Madurai District is pending



against the petitioner before the District Munsif Court cum Judicial Magistrate Court, Usilampatty, Madurai district, the petitioner's action still attracts section 10 (3) (e) of Indian Passports Act, 1967. Hence, the passport No. L843394 Dt.02.04.2014 obtained by the petitioner was impounded by this office on 06.09.2018 under section 10(3) (e) of Indian Passports Act, 1967 with an intimation to the petitioner vide letter No.IMP/307585643/18 Dt.06.09.2018.

(9) It is submitted that, if the petitioner approaches this office with Order if any, from Court concerned permitting him to travel abroad, OR if the petitioner approaches this office after disposal of the criminal case pending against him before the District Munsif Court cum Judicial Magistrate Court, Usilampatty, Madurai in C.C. No.74 of 2018, restoration of passport facilities will be considered in accordance with the provisions in Indian Passports Act, 1967.

3. Heard Mr.V.SV.Venkateshvaran, learned counsel for the petitioner, Mr.K.Prabhu learned counsel for the first respondent, Mr.K.P.Narayanakumar, learned Special Government Pleader for the second respondent and Mr.B.Sukumar, learned counsel for the third respondent.

4. On going through the counter filed by the first respondent and after considering the submissions made on either side, it is clear that the dispute between the petitioner and the third respondent has been amicably settled and it is stated that the marriage has also been dissolved through mutual consent. The criminal cases have also ended in acquittal.

5. In view of the above developments, the impugned proceedings of the first respondent will no longer survive and accordingly, the impugned proceedings dated 06.09.2018 is hereby quashed.

6. This writ petition is accordingly allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AS)

// 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,
All Women Police Station,
Usilampatty, Madurai District.

+1 CC to M/s.V.S.V.VENKATESHVARAN, Advocate (SR-16217[F] dated 17/04/2021)

+1 CC to M/s.SPL GP (SR-16289[F] dated 17/04/2021)

Order made in
W.P. (MD) No.24350 of 2018

KM(CO)
TR(26.04.2021) 3P 4C