

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.01.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.390 of 2020

S.Dharmichand

... Petitioner

Vs.

1.The Regional Passport Officer,
Royal Towers Nos.2 and 3,
4th Floor (Old NO.785-New NO.158,
Anna Salai, Chennai 600 002.

2.The Inspector of Police,
District Crime Branch,
Vellore.

(R2 impleaded as per order dated 06.02.2020
made in W.MP.NO.2996/2020)

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to Renew the petitioners Passport bearing No. H0277730 vide Petitioners Renewal Application dt.22.02.2018 vide Ref.No.18-1001958853 and consequently issue the Renewed Passport to the petitioner within the time fixed by this Court.

For Petitioner : Mr.K.Premkumar
For RR1 : Mr.G.Babu, CGSC
For RR2 : Mr.R.Moorthi
Government Advocate (Crl.Side)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to Renew the petitioners Passport bearing No. H0277730 vide Petitioners Renewal Application dt.22.02.2018 vide Ref.No.18-1001958853 and consequently issue the Renewed Passport to the petitioner within the time fixed by this Court.

2. The case of the petitioner is that the petitioner is the holder of Indian Passport bearing No.H0277730 issued by the respondent on 10.09.2008 and the same was valid till 09.09.2019 and hence the petitioner applied for renewal of his passport through online. The respondent vide his letter dated 03.05.2018

has sought for certain clarifications from the petitioner with regard to the adverse police verification report, where it was stated that the petitioner is facing criminal charges and hence he was called upon to explain the reasons for not disclosing the same in his renewal application and the petitioner was asked to appear in person before the Superintendent (Enquiry) at the Regional Passport Office, Chennai along with the required documents and he was appeared in person before the Superintendent on 24.05.2018 and submitted the details of pending criminal cases. In spite of that, the respondent did not renew his passport and hence again on 24.08.2018, the petitioner submitted a reminder letter to the respondent, requesting for early renewal of his passport. Even after receipt of the letter, there is no progress on his application. Hence, the petitioner approached this Court and filed W.P.No.23434 of 2018 praying for Writ of Mandamus and the same was disposed of on 01.10.2018 by directing the respondent to consider his application dated 22.02.2018. Pursuant to the above order of this Court, the respondent vide his letter dated 26.10.2018 requiring the petitioner to produce an undertaking in terms of instructions contained in Gazette Notification in G.S.R.No.570(E), dated 25.08.1993 and directed him to obtain orders from the Court concerned, permitted him to depart from India in order to enable the respondent to process his passport renewal application. Upon receipt of this letter, the petitioner submitted all the necessary details vide his explanation letter dated 31.10.2018. But again the respondent reiterated the very same stand with regard to the non disclosure of the earlier criminal proceeding. Again on 07.08.2019, the petitioner appeared before the respondent in person and submitted all the records once again including an Undertaking as required in G.S.R.570(E) but till date, the respondent not renewing his passport application. Hence this petition.

3. The learned counsel for the petitioner submits that the cases pending against the petitioner on the file of the District Crime Branch, Vellore are false cases and in fact the nature of allegations levelled against the petitioner are civil in nature and there is no criminal element involved therein and further the non disclosure of pending criminal cases in his passport renewal application is neither wilful nor wanton, but due to the bonafide reasons of not understanding the english language and inadvertence at the time of filling up the renewal application through online and hence the same may be condoned. The learned counsel further submitted that this Court may permit the petitioner to file appropriate petition before the Trial Court as per instructions contained in GSR 570(E), for getting permission to depart from India, where the Criminal Case is pending.

4. The learned Central Government Standing Counsel appearing for the 1st respondent have no serious objection for approaching Trial Court in terms of Section 6(2)(f) of the Passports Act, 1967 and further submitted that in terms of instructions contained in GSR 570(E), the respondent vide order dated 07.11.2018 has informed the petitioner to produce the orders from the Court concerned permitting the petitioner to depart from India to enable the respondents to process his passport application and therefore, if the petitioner furnishes the permission of the competent Trial Court as per instruction contained in GSR 570(E), the respondent may not have any legal impediment in issuing the passport as sought for by the petitioner.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. Admittedly the petitioner is the passport holder and it was expired on 09.09.2018 and in order to renew the same, he applied before the 1st respondent. However the 1st respondent not renewed the passport on the ground that criminal case is pending and asked to produce an undertaking in terms of instructions contained in Gazette Notification in G.S.R.No.570(E), dated 25.08.1993 and directed him to obtain orders from the Court concerned, permitted him to depart from India in order to enable the respondent to process his passport renewal application. The learned counsel for the petitioner also undertakes to file appropriate petition before the Trial Court as per instructions contained in GSR 570(E), for getting permission to depart from India, where the Criminal Case is pending.

7. In view of the above, the petitioner is directed to file appropriate petition before the Trial Court as per the instructions contained in GSR 570(E), and get appropriate orders. Further the petitioner is at liberty to produce the said order before the 1st respondent and thereafter the 1st respondent shall consider the same and pass appropriate orders in accordance with law.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Regional Passport Officer,
Royal Towers Nos.2 and 3,
4th Floor (Old NO.785-New NO.158,
Anna Salai, Chennai 600 002.

2.The Inspector of Police,
District Crime Branch,
Vellore.

+1 cc to Mr.E.Kannadasan, Advocate Sr.NO.2223
+1 cc to Mr.K.Premkumar, Advocate Sr.NO.1859
+2 ccs to Dr.G.Babu, Advocate Sr.NO. 1825

W.P.No.390 of 2020

GPL(CO)
A.SK(23.02.2022)