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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.900 OF 2022

J.Prabhakaran ...Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Rayala Towers No.2 and 3, 4th Floor,
Old No.785, New No.158,
Anna Salai, Chennai-600 002. ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or other appropriate writ or order in the nature of writ directing the respondent to renew my passport bearing No.J9413712 issued on 23.11.2011 at Chennai vide application No.21-1008573981.

For Petitioner : Mr.S.Srinivasa Narayanan

For Respondent : Mrs.Sudha

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's application dated 02.12.2021 for renewal of passport and to renew his passport as expeditiously as possible.

2. The case of the petitioner is that, his passport bearing Passport No.J9413712 had expired on 22.11.2021 and therefore, the petitioner applied for renewal of passport through online on 02.12.2021 vide Application Ref. No.21-1008573981 and the appointment date was fixed as 10.12.2021. Thereafter, the petitioner appeared before the respondent on the said date and during the verification he fairly disclosed that there is a Criminal Case pending against him in C.C.No.3536 of 2020 before the Metropolitan Magistrate Egmore, Chennai for the alleged offence punishable under Sections 406 and 420 of IPC. While such being the situation, the respondent rejected the petitioner's application for renewal of passport on the ground that there is a criminal case pending him. Hence, this Writ petition is filed.

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3. The learned counsel for the petitioner submitted that, during the verification, the petitioner has fairly disclosed that there is a Criminal case pending against him and he also informed that, quash petition has been filed in Crl.O.P.No.4686 of 2021 to quash the charge sheet in C.C.No.3536 of 2020 and this Court while admitting the Quash petition, has stayed all further proceedings of the C.C.No.3536 of 2020. However, the respondent without considering the above said fact, has mechanically rejected the petitioner's application for renewal of passport solely on the sole ground that there is a Criminal case pending against the petitioner, which is not sustainable. Hence, it would suffice, if this Court issues direction to the respondent to consider the petitioner's application dated 02.12.2021 and renew the petitioner's passport as early as possible.

4. The learned counsel for the respondent submitted that, if the petitioner submits the copy of the order / permission for issuance of passport to the petitioner obtained from the competent court, where the criminal case is pending, the petitioner's application dated 02.12.2021 for renewal of passport will be considered in accordance with law and appropriate orders will be passed within the time stipulated by this Court.

5. Heard arguments advanced by the learned counsel on either side

6. Considering the facts and circumstance of the case, this Court without going into the merits of the case, issues direction to the petitioner to file appropriate application before the competent Court where the criminal case is pending and obtain the necessary order / permission for renewal of passport and serve the copy of the same before the respondent within a period of four weeks from the date of receipt of a copy of this order. If such order copy is produced, the respondent shall consider the petitioner's application dated 02.12.2021 and pass appropriate orders in accordance with law within a period of four weeks thereafter after providing opportunity of personal hearing to the petitioner.

7. This Writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

skt

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To

The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Rayala Towers No.2 and 3, 4th Floor,
Old No.785, New No.158,
Anna Salai, Chennai-600 002.

+1cc to Mr.S.Srinivasa Narayanan, Advocate Sr.No.4554

+1cc to Mr.V.Sudha, Advocate Sr.No.4179

W.P.No.900 of 2022

GPL(CO)
RVM(02/03/2022)

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