

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.3518 OF 2022

Dr.Ashok, M.S.,

... Petitioner

.Vs.

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

2. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct 1st respondent to issue the petitioner's passport bearing number V0773303 to the petitioner by considering the petitioners explanation dated 09.09.2021.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents : Mr.D.Simon [R1]

Mr.B.Vijay [R2]
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to issue the petitioner's passport bearing No.V0773303 to the petitioner based on the petitioner's explanation dated 09.09.2021 submitted to the first respondent.

2. The petitioner's renewed passport was suspended by the first respondent. The petitioner has also surrendered the renewed passport to the first respondent based on the first respondent's order. The petitioner seeks for a Mandamus in this Writ Petition for the return of his passport based on his explanation dated 09.09.2021 submitted to the first respondent.

3. It is brought to the notice of this Court by the learned Additional Government Pleader appearing for the second respondent that two FIRs have been registered against the petitioner in Crime Nos.6553 of 2010 and 6953 of 2010. He would submit that insofar as Crime No.6953 of 2010 is concerned, investigation is completed and charge sheet has also been filed and the criminal case has also been numbered as C.C.No.195 of 2018 on the file of Judicial Magistrate No.I, Udumalpet. He would submit that insofar as Crime No.6553 of 2010 is concerned, investigation is in progress against the petitioner.

4. Learned standing counsel appearing for the first respondent also relies upon the Government notification in GSR 570(E) dated 25.08.1993 issued by the Passport Authority, which mandates that the petitioner will have to approach the concerned Court and give the undertaking as per GSR 570(E) for issuance of a restricted validity passport, since a charge sheet has already been filed and a criminal case in C.C.No.195 of 2018 is pending.

5. The petitioner seeks to travel abroad by getting back the surrendered passport. It is a settled law that when the charge sheet has been filed and the petitioner seeks for either issuance or for return of a surrendered passport, he has to necessarily approach the concerned Criminal Court where a calender case is pending against him in respect of the FIR which culminated in a charge sheet.

6. In view of the settled law and in view of the fact that the charge sheet has already been filed in respect of Crime No.6953 of 2010 which resulted in C.C.No.195 of 2018 on the file of Judicial Magistrate No.I, Udumalpet, the petitioner will have to necessarily approach the said Criminal Court for seeking release of his surrendered passport from the first respondent.

7. After recording the rival submissions, this Court directs the petitioner to approach the Judicial Magistrate No.I, Udumalpet, where C.C.No.195 of 2018 is pending, for return of his surrendered passport by filing an appropriate application before the said Court. On the filing of such an application by the petitioner, the said Court shall pass final orders on merits and in accordance with law, within a period of six (6) weeks thereafter.

8. With the aforesaid directions, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Regional Passport Officer,
Regional Passport Office,
Coimbatore.
2. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No.40028
+1cc to Mr.D.Simon, Advocate, S.R.No.40171
+1cc to the Government Pleader, S.R.No.40358

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RK(CO)
PBS/18/07/2022