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W.P.No.28162 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **09.11.2022**

CORAM :

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P.No.28162 of 2022

Sakthivel

... Petitioner

-Vs-

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

2.The Inspector of Police,
Pollachi Town Police Station,
Pollachi,
Coimbatore District.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to renew and return the passport of petitioner bearing No.K0405611 immediately so as to enable him to fly to Malaysia Country on 24.10.2022 by considering the petitioner's representation dated 14.10.2022.

For Petitioner	:	Mr.N.Ponraj
For R1	:	Dr.D.Simon, Central Government Standing Counsel
For R2	:	Ms.P.Rajarajeswari, Government Advocate



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ORDER

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The prayer sought for herein is for a Writ of Mandamus, directing the 1st respondent to renew and return the passport of petitioner bearing No.K0405611 immediately so as to enable him to fly to Malaysia Country on 24.10.2022 by considering the petitioner's representation dated 14.10.2022.

2.The petitioner is a passport holder with Passport bearing No.K0405611, which expired sometime past. Therefore, in order to renew the passport, the petitioner had given an application to the first respondent. However, the said application so far, has not been considered and it has been kept pending.

3. When the petitioner enquired with the first respondent, it has been stated by the first respondent that, since there are criminal cases pending against the petitioner and in respect of which, at least in one case, after investigation, charge sheet has been filed before the concerned Magisterial Court. Therefore, at this juncture, if the petitioner is not able to get NOC from the concerned Court, the plea of the petitioner cannot be considered. Only on that juncture, the petitioner has moved the present Writ Petition.



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4. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner, who would submit that, insofar as the two cases are pending against the petitioner, only one case is in FIR stage and no investigation is progressed. In respect of other case, investigation was over, charge sheet has been filed before the concerned Magisterial Court and no date has been fixed for trial, therefore, there could be no impediment for the petitioner to go abroad and come back, hence, on that pretext, the first respondent can come forward to renew the passport otherwise, the petitioner is ready and willing to get back the passport and the petitioner would be making fresh application after getting acquittal from the criminal cases pending against him on a later point of time.

5. Heard Ms.P.Rajarajeswari, learned Government Advocate appearing for the second respondent, who would submit that, two cases are pending against the petitioner. In respect of one case, charge sheet has been filed before the learned Judicial Magistrate – 1, Pollachi in S.T.C.No.472 of 2019, where, the next hearing date is posted on 06.12.2022 for the appearance of the accused. In respect of another case, in Crime No.31 of 2019 at Pollachi Town Police Station, the investigation is on.



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6. Dr.D.Simon, learned Central Government Standing Counsel appearing for the first respondent would submit that, at least, insofar as the case where charge sheet has been filed against the petitioner, he has to get NOC and produce before the first respondent, without which, application for renewal cannot be considered.

7. Having considered the submissions made by the learned counsel for the respondents and especially the stand taken now by the petitioner, where he has submitted that, if the first respondent is not able to proceed with the application for renewal of passport in the current circumstances because of the pendency of the criminal case, let the passport be returned back to the petitioner and he would make fresh application after some time, this Court feels that this Writ Petition can be disposed of with the following orders :

(i) That there shall be a direction to the first respondent to return the passport submitted along with the application by the petitioner. Once the passport is returned, on receipt of the same, the petitioner shall keep it in safe custody and it should not be misused for any other purpose without valid renewal done by the first respondent.



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(ii) It is open to the petitioner to make a fresh application

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after he is acquitted in the criminal cases pending against him in the concerned Magisterial Court. With these liberty to make a fresh application, this Writ Petition is to be disposed, accordingly, it is disposed. No costs.

09.11.2022

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

sp/drm

To

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

2.The Inspector of Police,
Pollachi Town Police Station,
Pollachi,
Coimbatore District.



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R.SURESH KUMAR.J..

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