



W.P.No.29167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.29167 of 2022

Vijayagamurthy Duraisamy

...Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Royala Tower Nos.2 & 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai,
Tamil Nadu - 600 002.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the representations made by the petitioner in the letter dated 14.03.2022 and 17.10.2022 and to direct the respondent to process the application made in File No.MA2063196588121 dated 08.01.2021 for issuance of passport in accordance with law.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.M.Sathyan, ACGSC



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ORDER

WEB COPY The prayer sought for is for a Writ of Mandamus directing the respondent to consider the representations made by the petitioner in the letter dated 14.03.2022 and 17.10.2022 and to direct the respondent to process the application made in File No.MA2063196588121 dated 08.01.2021 for issuance of passport in accordance with law.

2. The petitioner had made an application to the respondent to get a new Passport. The said application has not been processed and disposed of. The reason for non-disposal of the application is that there were number of criminal cases initiated against the petitioner and the said cases were pending in various Courts. Only at this juncture, the present Writ Petition has been filed with the aforesaid prayer.

3. Reiterating the aforestated, the learned counsel for the petitioner would submit that, insofar as the criminal cases pending against the petitioner are concerned, no doubt, there were 4 cases pending against the petitioner and out of the 4 cases, 3 cases have already been disposed of by giving acquittal against the petitioner.



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4. In S.C.No.619 of 2010, acquittal has been given by the learned Additional District and Sessions Judge, (FTC-III), Chennai, on 07.02.2011. In C.C.No.2643 of 2021, acquittal has been given by the learned 9th Metropolitan Magistrate Court, Saidapet, Chennai, on 07.04.2022. In S.C.No.97 of 2014, acquittal has been given on 29.09.2022 by the learned Assistant Sessions Judge, Poonamallee.

5. Therefore, it is seen that in 3 out of the 4 criminal cases, the petitioner is able to register his acquittal and the remaining one case pending against the petitioner is S.C.No.162 of 2007 on the file of the learned Additional Sessions Judge-II, Poonamallee. Even though the said case is at the stage of trial, the same has been stayed by the Hon'ble Supreme Court of India, as pointed out by the learned counsel for the petitioner.

6. When that being so, the learned counsel for the petitioner submits that the petitioner may be permitted to approach the learned Additional Sessions Judge-II, Poonamallee to get a No Objection Certificate, since the trial itself has been stayed by the Hon'ble Supreme Court of India, for approaching the respondent Passport Authority for



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getting a new Passport to make his travel. Therefore, to that extent, a direction can be issued to the respondent to process the application submitted by the petitioner for getting a new Passport, he contended.

7. Heard Mr.M.Sathyan, learned Standing Counsel appearing for the respondent, who on instructions, would submit that, out of the 4 cases, the petitioner has registered his acquittal in 3 cases and insofar as the other pending case against the petitioner is concerned, if the petitioner is able to get the No Objection Certificate and produce it before the respondent, the application of the petitioner would be processed and orders on merits to that effect would be passed by the respondent, within a time frame to be stipulated by this Court.

8. Having regard to the submissions made by the learned counsel for the parties and taking note of the aforestated factual matrix, where 3 out of the 4 cases pending against the petitioner were disposed of and the petitioner has established his acquittal, except in S.C.No.162 of 2007 pending on the file of the learned Additional Sessions Judge-II, Poonamallee, this Court is inclined to the dispose of this Writ Petition with the following directions:



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(a) There shall be a direction to the respondent to consider the application of the petitioner for grant of new Passport, on condition that if the petitioner is able to get the No Objection Certificate and produce it before the respondent, after approaching the learned Additional Sessions Judge-II, Poonamallee in respect of the pending trial in S.C.No.162 of 2007. The application of the petitioner shall be processed by the respondent and orders to that effect shall be passed within a period of 4 weeks from the date of production of the No Objection Certificate.

(b) In this context, it is made clear that when the petitioner makes any application to get the No Objection Certificate from the learned Additional Sessions Judge-II, Poonamallee, the same shall be considered, in the light of the above observations and accordingly, orders shall also be passed by the concerned Judge.

9. With these directions, the Writ Petition is disposed of. No costs.

07.11.2022

Index: Yes/No
Speaking order/Non-speaking order
hvk

Note: Issue order copy today, i.e. 09.11.2022



WEB COPY

To

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R. SURESH KUMAR, J.

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