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W.P.No.33448 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.33448 of 2017
and W.M.P.Nos.36938 & 36939 of 2017

K.Mani

...Petitioner

-Vs-

Regional Passport Office,
First floor, Corporation Commercial Complex,
Opp. Thandumariamman Koil, Avinashi Road,
Coimbatore.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records in letter Ref.No.SCN/301054889/14, dated 03.02.2014, on the file of the respondent and quash the same and further direct the respondent to issue passport to the petitioner as per application dated 05.11.2012 to enable him to undertake travel abroad.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.T.L.Thirumalaisamy
Central Government Standing Counsel



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ORDER

This writ petition is filed for issuance of a writ of mandamus to quash the impugned communication in letter Ref.No.SCN/301054889/14 dated 03.02.2014 on the file of the respondent and further to direct the respondent to issue passport to the petitioner as per application dated 05.11.2012 to enable him to undertake travel abroad.

2. The petitioner states that he is the president of Vishwa Hindu Parishad in Nilgiri District. It is his case that his application to the respondent for issuing a passport has not been considered for several years. According to the petitioner that on account of his activities as a President of Vishwa Hindu Parishad in Nilgiri District, some criminal cases were registered. It is the petitioner's contention that none of those case against the petitioner is of a serious nature and the criminal case is only to threaten the petitioner for his party activities. The petitioner's application for issuing passport was declined on the ground that a criminal complaint is pending against the petitioner and that the criminal case pending against the petitioner was not disclosed at the time of application. The fact that a few criminal cases were registered one after another is not in dispute.



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Therefore the impugned order rejecting the petitioner's application on the ground of pendency of criminal complaint cannot be faulted.

3.The learned counsel appearing for the petitioner states that all the criminal cases were by making trivial charges particularly in relation to his political association with a religious organisation. However, the impugned order cannot be questioned on the ground that the criminal cases were disposed of in favour of the petitioner subsequently. Therefore, this Court is unable to find any error or reason to interfere with the order passed by the respondent.

4.Having regard to the facts narrated by the petitioner, this Court is of the view that the petitioner is entitled to make fresh application before the respondent for issuance of passport to the petitioner. The respondent may pass appropriate orders after considering the order that was passed by the Criminal Court discharging the petitioner from the charges and other records that may be produced by the petitioner to meet the queries raised by the respondent.

5.With the above observation and liberty to the petitioner to file a fresh application for issuing passport, the above writ petition stands dismissed. The



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dismissal of this writ petition shall not stand in the way of the respondent considering the fresh application that may be submitted by the petitioner in accordance with law purely on merits. No costs. Consequently, connected miscellaneous petitions are closed.

09.11.2022

cda



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To

Regional Passport Office,
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S.S.SUNDAR. J.,

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