



WEB COPY



W.P.No.32260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.32260 of 2022
and
W.M.P.Nos.31655 & 31656 of 2022

R.Chandrasekaran

...Petitioner

Vs.

1.The Union of India,
Ministry of External Affairs,
74B, South Block,
New Delhi.

2.The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158 Anna Salai,
Chennai - 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent related to impugned letter Ref.No.SCN/313693417/22 (File No.MA1074735442122) dated 10.11.2022, quash the same and consequently direct the second respondent to consider the application dated 03.11.2022 for renewal of the Passport bearing G-3382113 issued at Chennai in the office of the second respondent on 06.07.2007 and expired on 05.07.2017, in accordance with law.



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W.P.No.32260 of 2022

For Petitioner : Mrs.S.Hemalatha

For Respondents : Mr.V.T.Balaji, SPC

ORDER

The prayer sought for herein is for a Certiorarified Mandamus to quash the impugned letter dated 10.11.2022 and to direct the second respondent to consider the application of the petitioner dated 03.11.2022 for renewal of the Passport bearing G-3382113.

2. The petitioner is a Passport holder of Passport bearing No. G-3382113 issued by the second respondent office and in order to renew the same, when the petitioner had made an application to the respondents, a communication dated 10.11.2022 has been issued, whereby they asked for certain explanation and documents in respect of the criminal case pending against the petitioner in Crime No.18 of 2017 at the Thiruvallur District Crime Branch for the alleged offences punishable under Sections 294(b), 419, 420, 465, 468, 471 and 506(1) of IPC.

3. Only at this context, the said communication dated 10.11.2022

is under challenge in the present writ petition.



W.P.No.32260 of 2022

WEB COPY

4. Heard Mrs.S.Hemalatha, learned counsel for the petitioner, who would submit that, the issue which triggered the Crime Branch against the petitioner has already been settled and the documents have been handed over to the defacto complainant. Therefore, as of now, nothing survives in the said complaint. However, since the FIR was pending, it has been shown as a reason for not considering the application of the petitioner for renewal of the Passport.

5. The learned counsel for the petitioner would also submit that, mere pendency of the complaint cannot be cited as a reason for not considering the application of the petitioner. Since no further investigation has been conducted by the police and no charge sheet has also been filed with regard to the criminal case, a direction may be given to the respondents to consider the application of the petitioner for renewal of his Passport.

6. On the other hand, Mr.V.T.Balaji, learned Senior Panel Counsel appearing for the respondents, on instructions, would submit that, as per the intimation already given to the petitioner, the petitioner is called for



W.P.No.32260 of 2022

personal enquiry by tomorrow, i.e. 02.12.2022. Therefore, let the petitioner appear before the second respondent, pursuant to the notice already issued, by tomorrow and give a statement that the issue which triggered the filing of criminal case against him has already been settled and there was no further scope of investigation and charge sheet has also not been filed. Based on such a statement to be given by the petitioner, the plea of the petitioner would be considered and decided on merits by the respondents, he contended.

7. Having considered the said submissions made by the learned counsel for the parties and taking note of the aforesaid factual matrix of this case, this Court is inclined to dispose of this writ petition with the following orders:-

(i) It is for the petitioner to appear before the second respondent by tomorrow, i.e. 02.12.2022, as directed and in this regard, if the petitioner wants to make a statement that the issue has been settled between the petitioner and the defacto complainant, even that factor can also be brought to the notice of the respondents and based on the said statement to be given by the petitioner with substantiated documents, the second respondent shall consider those aspects and pass orders on the plea of the



W.P.No.32260 of 2022

petitioner for renewal of his Passport at the earliest, preferably within a period of 2 weeks from the date of receipt of a copy of this order.

8. With this direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

01.12.2022

Index:Yes/No

Speaking order/Non-speaking order

hvk

Note: Issue order copy today, i.e 01.12.2022

To

- 1.The Union of India,
Ministry of External Affairs,
74B, South Block,
New Delhi.
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W.P.No.32260 of 2022

R. SURESH KUMAR, J.

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W.P.No.32260 of 2022

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