



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5176 of 2022

and W.M.P. (MD) .No.4208 of 2022

WEB COPY

Nagoor Gani

.. Petitioner

Vs

1.State rep. by its

The Secretary,
Ministry of External Affairs,
South Block,
New Delhi - 110 011.

2.The Regional Passport Officer,
O/o. Regional Passport Office,
Claret Plaza,
2, Melakkal Road,
Nataraja Nagar,
Madurai - 625 016.

3.The Inspector of Police,
North Police Station,
Ramanathapuram Town.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned letter issued by the 2nd respondent in Letter Ref. No.SCN/312275563/22, dated 07.03.2022 and to quash the same as illegal and direct the 2nd respondent to renew any passport applied and pending under file No.MD1073992126122.

For Petitioner : Mr.V.Akilan

For Respondents : Mrs.L.Victoria Gowri for R1 & R2
Additional Solicitor General of India
Mr.B.Saravanan for R3
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned letter issued by the second respondent dated 07.03.2022, calling upon the petitioner to submit his explanation, within a period of thirty days, with regard to the criminal case pending against the petitioner in Crime No.118 of 2021 registered under Section 12 of the Tamilnadu Gaming Act, 1930.

2.Heard Mr.V.Akilan, learned counsel appearing for the petitioner, Mrs.L.Victoria Gowri, learned Additional Solicitor General of India, who accepts notice on behalf of the respondents 1



and 2 and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the third respondent.

3.The petitioner has applied for change of address in his passport. Since a criminal case is pending against him as referred to supra, the impugned letter, dated 07.03.2022, has been issued by the second respondent, calling upon him to submit an explanation with regard to the said criminal case, within a period of 30 days. Before submitting the reply, the petitioner has approached this Court.

4.This Court is of the considered view that this writ petition has been filed prematurely. The petitioner ought to have submitted his explanation as sought for by the second respondent under the impugned letter and waited for the decision of the second respondent. Without waiting for the decision, the petitioner has approached this Court prematurely.

5.The learned counsel for the petitioner on instructions, now submits that the petitioner is willing to submit his reply as requested by the second respondent under the impugned letter, dated 07.03.2022. The said statement is recorded.

6.After hearing the submissions made by the respective counsels, the following directions are issued.

a) The petitioner is directed to submit his explanation to the second respondent with regard to the criminal case registered against him in Crime No.118 of 2021 for the offence punishable under Section 12 of the Tamilnadu Gaming Act, 1930, within a period of two weeks from the date of receipt of a copy of this order.

b) On receipt of the said explanation, the second respondent shall process the petitioner's application seeking for change of address in his passport and pass final orders, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of four weeks thereafter.

7.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

WEB COPY

To

1.The Secretary, Ministry of External Affairs,
South Block, New Delhi - 110 011.

2.The Regional Passport Officer,
O/o. Regional Passport Office,
Claret Plaza, 2, Melakkal Road,
Nataraja Nagar, Madurai - 625 016.

3.The Inspector of Police,
North Police Station,
Ramanathapuram Town.

+1 CC to M/s.V.AKILAN, Advocate (SR-14145[F] dated 24/03/2022)

+1 CC to M/s.SPL GP (SR-14837[F] dated 28/03/2022)

W.P. (MD)No.5176 of 2022

24.03.2022

RK(01/04/2022) 3P 6C