



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.20143 of 2021

S.Valarmady

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office - Tiruchirappalli,
Municipal Water Tank Building,
W.B.Road,
Tiruchirappalli - 620 008.

2.The Branch Manager,
State Bank of India,
RASMECC, Vignesh Complex,
Anna Salai,
Puducherry - 605 001.

... Respondents

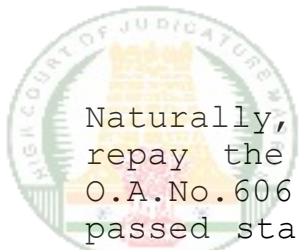
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to re-issue passport to the petitioner by considering his application in file number No.TR2073112341520 without insisting on No due Certificate from the second respondent Bank within the time frame stipulated by this Court.

For Petitioner	:	Mr.S.I.Muthiah
For R-1	:	Mrs.L.Victoria Gowri
		Assistant Solicitor General of India
For R-2	:	Mr.P.Pethurajesh

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the first respondent/the Regional Passport Officer at Tiruchirappalli to re-issue the passport to the petitioner by considering her application in File No. TR2073112341520 without insisting on No Due Certificate from the second respondent/the State Bank of India, Anna Salai, Puducherry.

2. The petitioner had obtained a loan of Rs.44,00,000/- (Rupees Four Lakhs only) from the second respondent.



Naturally, there was an obligation to repay the loan. She did not repay the loan. The second respondent therefore had instituted O.A.No.606 of 2015 on the file of DRT-3, Chennai. An award was passed stating that the petitioner was due and payable to a sum of around Rs.62,00,000/- (Rupees Sixty Two Lakhs only). The petitioner still not pay any amount towards the due. Sarfaesi proceedings were then initiated. The property of the petitioner was brought to sale. About Rs.35,00,000/- (Rupees Thiry Five Lakhs only) had been recovered. There was still a substantial amount due and payable by the petitioner.

3. The petitioner also had the habit of giving two separate addresses, one at Puducherry and another at Tiruchirappalli. It is explained by the learned counsel for the petitioner that the address at Puducherry is the address of her native place and the one at Tiruchirappalli is the address of her elder daughter. However, notices were issued to both the addresses. Both notices returned unserved. The second respondent had to resort to issuing a paper publication. A request was made by the second respondent to the Recovery Officer to take suitable action against the petitioner herein for non payment of balance amount.

4. It is now stated that the petitioner requires a passport owing to the fact that she wants to visit her second daughter at Singapore. But when distraint and restraint proceedings are pending in a Court of law which had been initiated and instituted in manner known to law, it would only be appropriate that the petitioner first approaches the said Court namely, the Debt Recovery Tribunal, undertakes to repay the amounts, due under the debts, surrenders to the judicial process and thereafter informs the particular Court about her wish to go to a foreign country and thereafter impresses upon the Court that she would bondafidely come back to participate in judicial process or pay the money due and, then impress upon the second respondent that she would be available for the execution of the decree which had been passed against her or to pay the amount.

5. Avoiding appearance before the Court of law will not help the petitioner at all. Avoiding payment of the decreetal amount will again not help the petitioner at all. Running away from a Court of justice will not help the petitioner. She has to appear before the concerned Court. She has to participate in the judicial process. She has to get necessary permission from the Court where the second respondent had instituted the application for recovery of money. Only thereafter, can she reasonably expect a No Objection Certificate to be given. But her conduct reflects that there is every possibility that if she leaves the shores of the country, she may never come back. When she remained in India she has avoided receiving notices issued by the Court.



6. The apprehension of the second respondent that she will actually flee from justice is real, is concrete and has to be considered. Unless aforesaid steps are taken by the petitioner, the petitioner cannot get any relief.

7. With the said observations, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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.

To

1.The Regional Passport Officer,
Regional Passport Office - Tiruchirappalli,
Municipal Water Tank Building,
W.B.Road,
Tiruchirappalli - 620 008.

2.The Branch Manager,
State Bank of India,
RASMECC, Vignesh Complex,
Anna Salai, Puducherry - 605 001.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-644[F] dated 06/01/2022)

+1 CC to M/s.S.I.MUTHIAH, Advocate (SR-721[F] dated 07/01/2022)

W.P (MD) No.20143 of 2021
05.01.2022

BK(CO)
TR(02.02.2022) 3P 5C