



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21659 of 2022

Vins

..Petitioner

Vs

1.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Superintendent of Police
Kanyakumari District,
Kanyakumari.

3.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to renew the Petitioner's passport bearing No.K4028109 based on the petitioner's application, dated 13.3.2022.

For Petitioner :Mr.A.Jayaramachandran

For Respondent-1 :Mrs.L.Victoria Gowri
Asst.Soliciter General of India

For Respondents :Mr.B.Thanga Aravindh
2 and 3 Govt.Advocate(Crl.Side)

**ORDER**

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The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the first respondent to renew the Petitioner's passport bearing No.K4028109 based on the petitioner's application dated 13.3.2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the Petitioner is a resident of Kanyakumari District and has completed graduation in Engineering and working in a private concern at Chennai.The Petitioner,on application, obtained passport on 22.5.2012, which is valid till 21.5.2022. The petitioner's passport is at the verge of expiry and hence submitted an application before the first respondent through online on 13.3.2022.Thereafter, the Petitioner received an information from the first respondent informing that an adverse police verification report was received from the third respondent stating that the Petitioner has involved in Crime No.602/2019 for the offence under Section 353 of IPC and 71 of IT Act and the case was charged on 25.4.2020 and sought for explanation from the Petitioner within thirty days.The allegation levelled against the Petitioner is that the Petitioner along with co-accused persons commented



was quashed by this Court on 7.3.2022. The Petitioner has also submitted his explanation to the communication of the first respondent, dated 20.6.2022 citing the order of quash as cited above. Besides the same, the Petitioner has also sent representations to the respondents 2 and 3 seeking to provide police verification clearance, considering the order of quash passed by this Court. However, the Petitioner's claim for renewal of passport was not considered stating that "adverse police verification report received from the Superintendent of Police, Kanyakumari District twice". Left with no other option, the Petitioner has approached this Court, with the present Writ Petition for the relief stated supra.

4. On behalf of second respondent, third respondent has filed a counter affidavit stating a case was registered against the Petitioner in Crime No.602 of 2019, for the offence punishable under Section 353 IPC r/w 71 of the Information Technology Act, 2000, based on the complaint given by the Head Constable 420 of the third respondent Police station dated 28.11.2019, in which, the Petitioner is arrayed as Accused No.2 and the Petitioner was accused with the charge that the accused parties have hacked the Police page social media and posting contents to defame the Police Department and hence the charge. The accused No.2 and 3 in this case has got an order of stay vide CrI.O.P(MD)No.834 of 2020, dated 22.2.2020, wherein, it has been observed by this Court that "the respondent Police shall carry on with the investigation but however, the



final report shall not be filed and the matter is posted after eight weeks. Further the accused No.2 and 3 have approached this Court for quashing the FIR and the same was allowed in CrI.O.P(MD)No.834 of 2020, dated 7.3.2022 and the FIR was quashed and the names of the accused No.2 and 3 have been removed from the FIR. But the respondent police without having the awareness of the quash order, has mistakenly included the accused No.2. Hence, the second respondent Police is taken every steps to remove the name of the accused persons from the charge sheet and clear the passport application of the Petitioner and issue him with a passport.

5. In view of the stand taken by the respondents 2 and 3/Police in the counter, the first respondent/Passport Authority is directed to consider the request of the Petitioner to renew his passport bearing No.K4028109 based on his application, dated 13.3.2022, after receipt of clearance from the respondents 2 and 3/Police in respect of removal of name of the Petitioner from the charge sheet and pass appropriate orders within a period of eight weeks from the date of receipt of such clearance from the respondents 2 and 3/Police.

6. With the above direction, the Writ Petition stands disposed of. No costs.



Index : Yes/No

Internet: Yes/No

vsn

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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN
W.P(MD)No.21659 of 2022

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