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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.9259 of 2023
and
WMP.No.9356 of 2023

Vijay Kumar

... petitioner

-Vs-

1. The Principal Secretary to Government,
Ministry of External Affairs,
South Block, Secretariat Building,
Rasina Hill, New Delhi.

2. The Regional Passport Officer,
Regional Passport Office,
Royala Tower No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai-2.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records Show Cause Notice issued by the 2nd respondent vide Letter Reference No. SCN/ 313579893/ 22 date 26.10.2022 and quash the same consequently direct the 2nd respondent to issue passport which was applied and submitted by the petitioner vide File Number MA 1074519405922 with the respondents portal in.



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For petitioner : Mr. Leelesh Sundaram
M/s.Nathan and Associates
For Respondent : Mr.M.Sathyan, ACGSC, RR1 & 2

ORDER

This petition has been filed seeking to quash the Show Cause Notice issued by the 2nd respondent vide Letter Reference No. SCN/ 313579893/ 22 date 26.10.2022 and consequently direct the 2nd respondent to issue passport which was applied and submitted by the petitioner vide File Number MA 1074519405922 with the respondents portal.

2. It is the case of the petitioner that the petitioner is working as a Chief Executive officer with M/s.Jain Metal Rolling Mills, situated at Kilpauk, Chennai. The petitioner is a passport holder and his passport was expired, for which, he made an online application before the second respondent on 23.08.2022. Since there is a criminal case pending against the petitioner, the second respondent has issued a show cause notice to the petitioner on 26.10.2022 seeking to clarify with regard to the criminal case pending against him. Challenging the same, the present writ petition has filed.



3. The learned counsel for the petitioner submitted that in the case mentioned supra, there was a CrI.RC.No.486 of 2017 which is said to be pending before this Court. The petitioner was not even served with any notice in the criminal revision case, which is pending before this Court. Without conducting enquiry, the respondent has issued show cause notice and it calls for interference by this Court and allow this petition. This Court may direct the respondent to consider the application and to re-issue the passport to the petitioner.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that the application will be considered and necessary orders will be passed in accordance with law.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In such view of the matter, this Court is inclined to issue a direction to the second respondent to conclude the enquiry in respect of the petitioner's application and pass necessary orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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7. With the above direction. this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

29.03.2023

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To

1. The Principal Secretary to Government,
Ministry of External Affairs,
South Block, Secretariat Building,
Rasina Hill, New Delhi.

2. The Regional Passport Officer,
Regional Passport Office,
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M.DHANDAPANI, J.

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