



WEB COPY



W.P.No.10761 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI, J.

WP No.10761 of 2023

and

W.M.P. No.10702 of 2023

Ashik Ahamed Mohammed Ismail

... Petitioner

vs.

The Regional Passport Officer,
Regional Passport Office,
Coimbatore,
First Floor,
Corporation Commercial Complex,
Avinashi Road,
Coimbatore – 641 008.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of respondent proceedings in vide File No.CB1064378753922/Letter Ref. No.FCI/313734001/22, dated 16.11.2022 and quash the same as illegal, also direct the respondent to issue fresh passport to the petitioner based on his vide File No.22-1007312879, dated 30.06.2022.

For Petitioner : Mr.G. Mohammed Aseef
For Respondents : Mr.S.U. Jayakumar

ORDER

This writ petition has been filed to quash the Proceedings issued by the respondent in vide File No.CB1064378753922/Letter Ref.



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No.FCI/313734001/22, dated 16.11.2022 and consequently direct them to issue fresh passport to the petitioner based on his request in Ref File No.22-1007312879, dated 30.06.2022.

2. It is the case of the petitioner that he made an application for issuance of Passport before the respondent on 11.07.2018. Subsequently, the said application was rejected on the ground that an FIR was lodged against the petitioner in Crime No.266 of 2018 and later he came to know that based on the closure letter, the said application was closed. Thereafter, on 30.06.2022, he submitted fresh application for issuance of passport, whereas the same was rejected on 16.11.2022 by the respondent and the said communication has been challenged in this writ petition.

3. Learned counsel for the petitioner submitted that only on issuance of show cause notice by the respondent, the petitioner came to know of the criminal cases pending against him. She further submitted that all cases lodged against the petitioner are cooked up one and they are in FIR stage. Also, she submitted that a criminal case against the petitioner is in CC stage viz., C.C.No.26 of 2018 and charge sheet is yet to be filed. In view of the above, this Court may set aside the



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Proceedings, dated 16.11.2022 issued by the respondent and for issuance of appropriate directions to them.

4. Learned counsel for the respondent submitted that the petitioner has suppressed the aforesaid information, while applying for Passport before the respondent. Reiterating the counter affidavit, he argued that various criminal cases against the petitioner were pending before the Judicial Magistrate VII Court and therefore, the Proceedings, dated 16.11.2022 issued by the respondent is a valid and sustainable one. Hence, he prays for dismissal of this writ petition.

5. Heard, learned counsel on both sides and perused the materials placed on record.

6. A cursory reading of counter affidavit reveals that there were criminal cases against the petitioner, which were pending before the Judicial Magistrate VII Court. That being the position, no positive directions can be issued to the petitioner. From the submissions, it is clear that the petitioner is not aware of criminal cases pending before the Court while applying for Passport and thereafter, he came to know about the said information. In the aforesaid backdrop, the petitioner can



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be directed to submit fresh application before the respondent with due permission from the concerned Court, where criminal cases are pending, along with an undertaking as prescribed in the Gazette Notification in GSR 570 (E), seeking for issuance of restricted validity of Passport.

7. Accordingly, this Court directs the petitioner to submit fresh application before the respondent seeking for issuance of restricted validity Passport along with documents as stated supra. If such application is filed, the respondent shall process the same as expeditiously as possible. It is made clear that the respondent shall ensure before processing the petitioner's application that due permission from the concerned Court as well as requisite Undertaking are strictly complied with and annexed along with the application.

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

14.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order
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