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W.P.No.12180 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.04.2023**

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

**W.P.No.12180 of 2023**

Lickmi Chand Singhvi

...Petitioner

Vs

The Regional Passport Officer,  
Regional Passport Office,  
Royala Tower Nos.2 & 3, IV Floor,  
Old No.785, New No.158, Anna Salai,  
Chennai – 600 002.

...Respondent

**Prayer:** Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for records in File No.MA51C5062990322 dated 17.02.2023 on the file of the respondent herein and quash the same as illegal and unenforceable in so far as refusal to renew of passport in accordance with law.

For Petitioner : Mr.V.Illanchezian

For Respondent : Mr.T.L.Thirumalaisamy

Central Government Standing Counsel

### **ORDER**

This writ petition has been filed seeking to quash the proceedings of the respondent dated 17.02.2023 refusing to renew the passport on the ground that criminal proceedings are pending against the petitioner.



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2. Mr.T.L.Thirumalaisamy, learned Central Government Standing Counsel accepts notice for the respondent. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The facts leading to filing of the writ petition are as hereunder :

(i) The petitioner claims that he is one of the partners in a partnership firm namely M/s.Sri Guru Mishri Foundation which purchased the property at No.371, Mint Street, Chennai by way of a sale deed dated 24.8.2010. At the time of purchase of the said property, M/s.Gajara Bai Family Trust represented by its Managing Trustee, Mr.D.Shantilal Bafna and others were tenants and were paying rent to the erstwhile landlord.

(ii) Thereafter, the said M/s.Gajara Bai Family Trust filed a suit in C.S.No.912 of 2010 seeking to declare that the sale deed dated 24.08.2010 executed in favour of the said M/s.Sri Guru Mishri Foundation as null and void and that the same was not binding on the plaintiffs and that the plaintiffs were absolute owners of Schedule B mentioned property during the continuance of the lease in favour of plaintiffs. In the said suit, just to purchase peace, the said M/s.Sri Guru Mishri Foundation entered into a compromise by giving 50% of the property to the said M/s.Gajara Bai Family Trust.



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(iii) As the compromise entered into in the said suit was not adhered to, the petitioner herein filed a civil suit in C.S.No.270 of 2013 to cancel the said compromise memo. Further, in the second suit also, again a compromise was entered into by dividing the property into two portions. As per the second compromise, both the parties were entitled to do repair works in their respective portions. Though both the parties started doing repair works in their respective portions, objecting to the work carried out in the portion held by the petitioner, the said Mr.D.Shantilal Bafna filed the suit in C.S.No.377 of 2016 and obtained a stay order for not doing any repair work in the portion held by the petitioner.

(iv) Further, the said Mr.D.Shantilal Bafna filed false complaints against the petitioner in 2017 and 2018 and both the cases are pending before the Eighth Metropolitan Magistrate, George Town, Chennai. The petitioner also filed two quash petitions before this Court against the said criminal cases and they are still pending before this Court.

(v) In the meanwhile, the petitioner made on-line application on 19.08.2022 seeking to renew his passport. The petitioner personally appeared before the respondent with all documents showing that only a civil dispute is pending against him. However, his request was rejected by the respondent by the impugned order. Therefore, challenging the same, the writ petition has been filed.



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4. The learned counsel for the petitioner submits that, though the petitioner has filed quash petitions against the criminal cases filed by said Shantilal Bafna before this Court in CrI.O.P.Nos.25433 of 2017 and 19637 of 2018, which are pending adjudication, the petitioner's application for re-issuance of passport was refused by the respondent on the ground that two criminal cases are pending against him, is unsustainable. Hence, he prays to quash the impugned order dated 17.02.2023 issued by the respondent.

5. The learned Central Government Standing Counsel appearing for the respondent submitted that, once the charge sheet is laid against the petitioner, permission has to be obtained from the concerned Court for processing the petitioner's application. Hence, the petitioner's application for re-issuance of passport was rejected. However, this Court may direct the petitioner to approach the competent criminal Court, where the criminal cases are pending adjudication.

6. Heard the learned counsel on both sides and perused the materials available on record.



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7. As rightly submitted by the learned Central Government Standing Counsel appearing for the respondent, once the charge sheet has been filed against the petitioner, he has to produce the acquittal order or permission order to depart from India or for re-issuance of passport from the concerned Court along with the undertaking as per GSR 570 (E) Gazette notification.

8. In view of the above, this Writ Petition is dismissed granting liberty to the petitioner to approach the concerned Court where the criminal cases are pending adjudication for appropriate remedy. No costs.

**20.04.2023**  
(2/2)

Index : Yes (or) No  
Speaking order (or) Non-speaking order  
Neutral Citation Case : Yes (or) No  
sp

To

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**M.DHANDAPANI,J.,**

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