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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

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

W.P.No.15867 of 2023

in

W.P.No.15336 & 15337 of 2023

James Moses Devakumar

... petitioner

-Vs-

1. The Regional Passport Officer,
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai-2.

2. The Inspector of Police,
T6, Peerkankarani Police Station,
Chengalpet District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records pertaining to the communication dated 18.4.2023 in Letter Ref. No. SCN / 314644077 / 23 issued by the first respondent quash the same consequently direct the first respondent to issue police clearance certificate to the petitioner based on his application No. MA3086779017523 dated 12.4.2023.



For petitioner : Mr.C.D.Sugumar

For Respondent : Mr.Balamurugan, GA R2
Mr.R.Subramanian, R1

ORDER

The writ petition has been filed seeking to quash the communication dated 18.4.2023 in Letter Ref. No. SCN / 314644077 / 23 issued by the first respondent and consequently direct the first respondent to issue police clearance certificate to the petitioner based on his application No. MA3086779017523 dated 12.4.2023.

2. It is the case of the petitioner that he obtained passport in the year 2015 bearing No.N3154773 and the said passport expires on 21.09.2025. In the year 2023, the petitioner married one Priya Ester, who is working as Nurse in England. In order to visit his wife, the petitioner applied for PCC (Police Clearance Certificate) through an online application dated 10.03.2023 and 12.04.2023 to the first respondent. The first respondent sent a communication dated 17.03.2023 and 18.04.2023 seeking clarification for the criminal case pending against him. Challenging the order dated 18.04.2023, the present writ petition has been filed.



3. The learned counsel for the petitioner submitted that admittedly, a criminal case is pending against the petitioner in Cr.No.632/2018 under Section 294(b), 323,324 and 506(ii) of IPC. However, mere pendency of the criminal case, it is not a bar for getting passport from the authorities. Hence, this Court may permit the petitioner to give suitable explanation within a period of two weeks. Thereafter, this Court may direct the first respondent to pass orders within the reasonable time as fixed by this Court.

4. The learned Standing Counsel appearing on behalf of the first respondent submitted that the present impugned order is only a show cause notice calling upon the petitioner for submitting his explanation within twenty one days. Instead of submitting his explanation, filing the present writ petition, is not sustainable one. If the petitioner submits his explanation, the same will be considered and appropriate orders will be passed by the respondents.

5. The learned Government Advocate appearing for the second respondent submitted that admittedly there is a criminal case pending against the petitioner in CC.No.264/2023 before the Judicial Magistrate, Tambaram and the same was disclosed in his application.



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

7. Considering the fact that the impugned order issued by the first respondent is only a show cause notice calling upon the petitioner to submit his explanation within the stipulated time. In such view of the same, this Court without interfering with the impugned order, directs the petitioner to submit his explanation within a period of two weeks from the date of receipt of a copy of this order. If such explanation is filed, the first respondent is directed to pass orders on his application, within a period of six weeks, thereafter.

8. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.06.2023

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M.DHANDAPANI, J.

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