



WEB COPY



W.P.No.19552 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.19552 of 2023

S.Tamilarasan

... Petitioner

VS.

The Regional Passport Officer,
O/o. Regional Passport Office,
Coimbatore, First Floor,
Corporation Commercial Complex,
Opp. Thandumariamman Koil,
Avinashi Road,
Coimbatore – 641 018.

... Respondent

PRAYER: Writ Petition is filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter Ref.No: SCN/312351973/22 dated 22.03.2022 issued by the Respondent and quash the same as illegal and consequently directing the respondent to issue passport.

For Petitioner : Ms.G.Adhira
for M/s.P.Jessi Jeeva Priya

For Respondent : Mr.S.V.Jayakumar
Central Government Standing Counsel



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ORDER

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The petitioner has filed this writ petition challenging the Show Cause Notice issued by the respondent dated 22.03.2022 calling upon the petitioner to explain regarding the circumstances under which he suppressed the material information regarding pendency of a criminal case in Crime No.11/2021 on the file of the Kottampatti Police Station.

2. According to the petitioner, under Section 6 of the Passports Act, 1967, a mere pendency of FIR against an applicant is not a ground to refuse passport. The learned counsel for the petitioner also relied on the order passed by this Court in *Venkatesh Kandasamy vs. Government of India* in W.P.No.6742 of 201, dated 08.10.2014 in this regard.

3. It is the submission of the learned counsel that under Section 6 (2) (f) of the Passports Act, 1967, only in cases where any proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India, the Passport Authority can refuse the passport. In the case on hand, only a FIR is pending against the



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petitioner and the complaint against the petitioner is under investigation. It is also the submission of the petitioner that no final report has been filed by the petitioner. In such circumstances, the petitioner has not suppressed any material information in his application.

4. Mr.S.V.Jayakumar, learned Central Government Standing Counsel takes notice for the respondent and submitted that the petitioner has suppressed the pendency of FIR and therefore, he was issued with impugned Show Cause Notice to explain the circumstances under which he has suppressed the material information in his passport application.

5. When a Show Cause Notice is issued to the petitioner seeking his explanation regarding pendency of FIR, it is for him to appear before the respondent and submit his explanation. It is also open to him to explain that no criminal case is pending against him before any Courts in India by relying on Section 6 (2)(f) of the Passports Act, 1967. However, instead of submitting his explanation, it is not open to the petitioner to come before this Court to challenge the impugned Show Cause Notice.



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6. Therefore, the petitioner is directed to submit his explanation before the respondent in response to the Show Cause Notice dated 22.03.2022 issued by the respondent, within a period of two weeks from the date of receipt of copy of this order. On receipt of such explanation, the respondent is directed to consider the same on merits and pass final orders in accordance with law and in the light of Section 6 of the Passports Act, 1967, within a period of four weeks from the date of receipt of explanation from the petitioner.

7. With the above directions, the writ petition is disposed of. No costs.

10.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

dm

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