



W.P.No.22735 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.22735 of 2023

F.N.Durai

... Petitioner

Vs.

The Regional Passport Officer
1st Floor, Corporation Commercial Complex
Opposite to Thandumariyamman Koil
Avinasi Road
Coimbatore
Coimbatore District 641 018

... Respondent

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to consider the petitioner representations dated 06.07.2023 and 12.07.2023 sent via e-mail to return reissued Passport No.V6335364 dated 08.04.2022 within a time frame fixed by this Court.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.M.Sathyan
ACGSC



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ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner claims that he is into export business and he is a holder of an Indian Passport for few decades now. His passport is also being renewed periodically. While so, the respondent herein has called back the passport and has retained it on the ground some cases are pending against him.

3.Learned counsel for the petitioner submitted that in terms of the communication of the respondent dated 05.09.2022, the petitioner's passport is retained citing certain criminal cases. Indeed, mere pendency of criminal case ipso facto does not mean that the petitioner should be denied a passport, and his right to travel abroad is curtailed thereby. The learned counsel also added that Notification No.G.S.R.570 (E), dated 25.08.1993, provides that any passport holder in such situation is also entitled to have a passport issued by the passport authority on obtaining a N.O.C. from the Court where the criminal case is pending.



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4.Mr.Mr.Sathyan, the learned Central Government Standing Counsel has taken notice for the respondent.

5.Now, the respondent is directed to take a call on the representations of the petitioner dated 06.07.2023 and 12.07.2023, bearing in mind the Notification No.G.S.R.570 (E), dated 25.08.1993. This Court would have appreciated if the passport authority had communicated the petitioner as to what he needs to do in circumstances such as this.

6.The writ petition stands disposed of accordingly. No costs.

02.08.2023

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Index : Yes / No
Neutral Citation

To

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N.SESHASAYEE, J.

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