



W.P.No.27400 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.10.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.27400 of 2023

B.Manochitra

... Petitioner

Vs

1. Union of India,
Rep. by its Secretary to Government,
Ministry of External Affairs,
New Delhi.

2. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirapalli – 620 018.

3. The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2, to renew the petitioner's husband namely Balamurugan's passport bearing No.L5938228, within the time limit to be stipulated by this Hon'ble Court.



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For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.K.Gangadaran (R1 and R2)
Central Government Standing Counsel
Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side) (R3)

ORDER

Mr.K.Gangadaran, learned Central Government Standing Counsel accepts notice for R1 and R2 and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl.side) accepts notice for R3. Both are armed with instructions to enable final disposal of this matter, even at the stage of admission.

2. The petitioner claims to be the wife of one Balamurugan and seeks a mandamus directing respondents 1 and 2, being the Secretary to Government, Ministry of External Affairs and Regional Passport Officer, Tiruchirappalli, to renew her husband's passport bearing No.L5938228, within the time to be fixed by the Court.

3. Mr.Gangadaran, who appears for R1 and R2 has filed parawise remarks to the writ affidavit setting out the brief history of the matter. According to the remarks issued by R1, the petitioner's husband had applied for re-issue of passport bearing No.L5938228 on 16.04.2023. Police verification thereupon found that the petitioner's husband was not residing in the address



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mentioned in the application and he was residing elsewhere. Hence, the petitioner's husband was called upon to tender explanation as to why a different address had been supplied by him.

4. There upon a different address had been supplied by the applicant and upon enquiry at that address, adverse police verification report had been received from Sirkali Police Station on 03.06.2023 stating that he was arrayed as accused involved in Crime No.30 of 2020 for offences under Section 279 and 304(a) of the Indian Penal Code. The police thus did not recommend the issue of a fresh passport.

5. The fact of being involved in a crime had been suppressed by the petitioner's husband in the application filed by him. Thereafter notice has been sent to the address of the petitioner's husband by the Embassy of India, Kuwait as early as on 11.06.2023 indicating the adverse police report and calling for explanation within 21 days of receipt of that intimation.

6. The petitioner has tendered an explanation to the notice by way of a reply sent on 03.07.2023. Therein, the petitioner, that is the wife of Balamurugan, on behalf of her husband, states that there was no intention to suppress any material and that in any event, no official communication has been received in respect of any crime.



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Dr.ANITA SUMANTH, J.

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7. In light of the aforesaid circumstances, when the authorities have taken a categoric stand that the petitioner's husband is involved in a crime as well as alleged suppression of fact, which is a crime by itself, mandamus as sought for cannot be issued. However, R1 is directed to pass orders on the application for issuance of fresh passport after hearing the petitioner's husband, in accordance with law.

8. With the above observations and direction, this Writ Petition stands dismissed. No costs.

05.10.2023

Index : Yes / No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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To

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