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W.P.No.26082 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.27349 of 2023
and WMP.Nos.26774 & 26776 of 2023

Surendhar Ramasamy

... Petitioner

Vs

1.The Regional Passport Office
Chennai Royala Towers
No.2 & 3, IV Floor
Old No.785, New No.158
Anna Salai
Chennai - 600 002.

2.The Inspector of Police
Ambur Taluk
Vellore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records in Show Cause Notice in Letter Ref. No.SCN/315593103/23 dated 23.08.2023 in File No.MAS065657820323 on the file of the first respondent and to quash the same as illegal and wholly without any jurisdiction.



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For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.V.Ashok Kumar
Central Govt Standing Counsel for R1

Mr.N.Muthuvel
Government Advocate [Crl. Side] for R2

ORDER

The petitioner has been served with a notice by the passport authority to show cause why his passport should not be impounded. This is now under challenge.

2. The learned counsel for the petitioner submits that the petitioner has already organised a business trip to Malaysia, and would be back to India in two weeks time.

3. This Court understands that the passport authority has sought impounding of the passport on suppression of material facts vis-a-vis his alleged involvement in an offence in Crime No.772/2020 on the file of Ambur Taluk Police, under Sections 294(b), 324, 506(ii) IPC. This Court is



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informed that the final report has not yet been filed. This Court is aghast that the Investigating Agency could not find time in the last three years to file its final report.

4. This Court is time and again reels out innumerable orders that a mere registration of a FIR against an applicant, cannot be a ground to deny him a passport, and necessarily it cannot be a ground for impounding it either. If there is any suppression of material facts, which has caused the passport authority to invoke Sec.10 of the Passport Authority Act, it can be enquired in due course.

5. For the present, the petitioner is only directed to give an undertaking before the District Munsif cum Judicial Magistrate, Ambur, about his travel plans, and to strictly adhere to the travel plans. Once returned, the petitioner is required to show cause to the notice issued on him, and the passport authority is required to hold an enquiry and take a decision in terms of the very many authorities delivered by this Court at various point of times.



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6. The petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

14.09.2023

Index : Yes / No

Speaking order / Non-speaking order
ds

Note : Issue order copy today (14.09.2023)



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N.SESHASAYEE.J.,

ds

To:

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Anna Salai
Chennai - 600 002.

2.The Inspector of Police
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