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W.P.No.29957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29957 of 2023

Manikandan

.. Petitioner

VS

1.The Government of India
Ministry of External Affairs,
Regional Passport Office,
Chennai - 2

2.The Inspector of Police,
C1 Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the first respondent
to renewal/reissue the passport vide application
no.MA51C5034480921 dated 19.01.2022.

For Petitioner : Mr.R.Ramesh

For Respondents : Dr.D.Simon, CGC for R1
Mr.Leonard Arul Joseph Selvam
Government Advocate
(Criminal Side) for R2



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ORDER

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The petitioner has approached this Court aggrieved by the inaction of respondents to renew his passport for which he has made an application bearing No.MA51C5034480921 on 19.01.2022. The petitioner is admittedly an Indian citizen. His passport had expired on 20.02.2022 and his application for renewal has been kept pending thus far.

2. Learned counsel for R1, Regional Passport Office, Chennai has filed a compilation of documents including an adverse police verification report. The verification report dated 19.01.2022 reveals that the petitioner has been convicted in Crime No.2483/2020 and is also facing other criminal charges.

3. Notice was issued to the petitioner on 19.01.2022 calling for personal attendance in order to verify the particulars of the pending criminal charges. A remainder was issued on 19.11.2022 referring to the earlier show-cause notice. Admittedly, the petitioner did not respond initially but states that he had tendered written explanation on 15.07.2023. There is no acknowledgement of receipt for that response.

4. On 10.11.2023, the petitioner has been issued yet another notice granting him audience before the Regional Passport



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Officer, Chennai on any working day, except Tuesdays for enquiry of his application. He has been asked to bring all original documents in support of his explanation, to the adverse police information report.

5. In such circumstances, mandamus as sought for is not liable to be granted as the matter is under process before the authorities. Let the petitioner appear before R1 and pursue his application.

6. As far as the position of law is concerned, there is no bar in regard to the renewal / re-issue of passport of an applicant facing criminal charges, subject to necessary indemnity being obtained and proper protocols being followed in this regard. If the petitioner satisfies the requirements of furnishing of indemnity / affidavit of undertaking then the application of the petitioner is liable to be accepted. Thus, let an appropriate decision be taken by R1 on the petitioner's application within a period of four weeks from date of appearance of the petitioner before him, in accordance with law.

7. Writ petition stands disposed in terms of this order. No costs.

16.11.2023

Index:Yes/No
Neutral Citation:Yes
ssm



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To

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DR. ANITA SUMANTH,J.

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