



WEB COPY



W.P.No.33505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.11.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.33505 of 2023

Raviraj

... Petitioner

Vs

The Regional Passport Officer
Chennai Royala Towers
No.2 and 3, IV Floor
Old No.785, New No.158,
Anna Salai, Chennai – 600 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent culminated in File No.MA2075948101123 dated 13.11.2023 and quash the same and direct the respondent to renew and reissue the petitioner passport bearing No.E2264202 within the time.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.K.Ramanamoorthy
Central Government Standing Counsel



W.P.No.33505 of 2023

WEB COPY

ORDER

Mr.K.Ramanamoorthy, learned Central Government Standing Counsel accepts notice for the respondent and is armed with instructions. He points out at this preliminary stage that the concerned Police Inspector has not been impleaded. This may not be necessary in light of the order that is proposed to be passed now. Hence, by consent expressed by both learned counsel, final orders are passed in this Writ Petition, even at the stage of admission.

2. The petitioner claims to be holding a passport and upon expiry of the same, had approached the respondent seeking renewal. On 13.11.2023, the impugned communication has been issued to the effect that the petitioner has suppressed the material information in regard to the pendency of a criminal case in the passport application. The petitioner has been asked to appear before the officer and provide suitable explanation.

3. The writ affidavit discloses that there is, indeed, a pending FIR in regard to the offences under Sections 143, 341, 353 and 290 of the IPC read with Section 3 of the TNPPDL Act, 1992 in Crime No.1268 of 2017 on the file of M3, Puzhal Police Station, Chennai. It is the petitioner's case that the matter is still at the stage of lodging FIR and no final report has been filed.



W.P.No.33505 of 2023

4. In these circumstances, the Court finds no necessity to intervene, as the matter is at preliminary stage of issuing a show cause notice. The petitioner admits to the pendency of the FIR and hence it is appropriate that he should approach the concerned authorities and tender his explanation as called for.

5. The petitioner shall appear before the respondent, who will dispose the application of the petitioner in accordance with law, as expeditiously as possible, bearing in mind the settled position of law that mere pendency of an FIR or for that matter even a criminal case is not a bar for issue/re-issue/renewal of passport prima facie (See judgment of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation* (Criminal Appeal No.1342 of 2017 dated 27.09.2021)).

6. In light of the aforesaid discussion, the prayer for writ of certiorarified mandamus is rejected and this Writ Petition is dismissed. No costs.

30.11.2023

Index : Yes / No

Speaking order

Neutral citations: Yes

sl



WEB COPY

To

The Regional Passport Officer
Chennai Royala Towers
No.2 and 3, IV Floor
Old No.785, New No.158,
Anna Salai, Chennai – 600 002.



W.P.No.33505 of 2023

Dr.ANITA SUMANTH,J.

Sl

W.P.No.33505 of 2023

30.11.2023