



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.34918 of 2023

C.Subramaniam

... Petitioner

Vs

The Regional Passport Officer,
Regional Passport Office,
Coimbatore.

.... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to renew and release petitioner's passport bearing No.X9417597 by considering petitioner's representation dated 10.10.2023.

For Petitioner : Mr.C.Iyyappan

For Respondent : Mr.R.Siddharth

Central Government Counsel

ORDER



Mr.Siddharth, learned Central Government Counsel accepts notice for the respondent and is armed with instructions to enable final disposal of the matter, even at this juncture. Hence, by consent of both learned counsel, these Writ Petitions are taken up for final disposal, even at the stage of admission.

2. The petitioner was a holder of passport bearing No.X9417597. Since it was due to expire on 24.12.2023, he sought renewal of the same as early as on 01.06.2023. The passport was renewed and despatched to him on 09.06.2023.

3. While this is so, the petitioner received a show cause notice dated 17.07.2023 putting the petitioner to notice as to the proposed action of impounding the passport on the ground that a case in Tiruppur North Crime No.856 of 2022 under Sections 294(b), 323 and 506(ii) of I.P.C. was pending against him. Though the petitioner states that he had tendered an explanation on 07.09.2023, there is no acknowledgement of receipt for the same.

4. A subsequent letter dated 14.09.2023 seeking a clarification and reminder dated 04.10.2023 also do not refer to any reply having been filed by the petitioner to the initial show cause notice. In fact, in the reminder, the authorities state that there was no response from the petitioner.



5. Be that as it may, in response to the subsequent reminders, the petitioner claims to have made a representation on 10.10.2023, which the learned counsel for the respondent accedes to have received.

6. Inter alia, he brings to the notice of the authorities that he had filed a petition in CrI.O.P.No.21399 of 2023 seeking quash of the final report in C.C.No.473 of 2023 on the file of Judicial Magistrate -I, Tiruppur relating to Crime No.856 of 2022, referred to in the show cause notices.

7. By order dated 26.09.2023, this Court has stayed all further proceedings before the trial Court. The petitioner thus made a representation seeking acceptance of his explanation and continuance of passport without interruption.

8. In light of the fact that the matter is now pending before the authorities and show cause notices and explanations have been exchanged, this Court does not deem it fit to issue mandamus per se, as sought for.

9. Learned counsel for the respondent has received instructions confirming the narration of events as set forth in the preceding paragraphs. Hence, let the authority consider the representation in light of the settled position of law that mere pendency of the criminal case would not stand in the way of renewal/re-issue of a passport and no NOC is required to be obtained from the Court for that purpose (see judgment in the case of *Vangala Kasturi Rangacharyulu v. Central Bureau of*



Investigation (Criminal Appeal No.1342 of 2017 dated 27.09.2021), as well as

orders passed in the cases of *Suresh V. Regional Passport Officer*

DR.ANITA SUMANTH,J.

(W.P.No.30019 of 2023 order dated 17.11.2023) and *Nedumaran Palaniappan V. Regional Passport Officer* (W.P.No.28448 of 2023 order dated 24.11.2023).

10. The petitioner is permitted to appear before the respondent within a period of one week from today. The respondent shall hear the petitioner and pass orders on the application of the petitioner within a period of two (2) weeks from date of receipt of a copy of this order, in line with the observations in this order.

11. This Writ Petition is disposed as above. No costs.

15.12.2023

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes

To

The Regional Passport Officer,
Regional Passport Office,
Coimbatore.

W.P.No.34918 of 2023