



W.P.No.35844 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.35844 of 2023
and
W.M.P.No.35831 of 2023

E.Dinesh Kumar

.. Petitioner

VS

1.The Regional Passport Officer,
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,
Manavalanagar Police Station,
Tiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the entire records pertaining to the impugned show cause notice issued by 1st respondent herein vide his proceedings in SCN/3164000981/23 dated 06.12.2023 and quash the same as illegal, arbitrary, unreasonable being violative of the principles of natural justice.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.A.R.Sakthivel, SPC for R1
Mr.N.Muthuvel, GA (Crl.Side)
for R2



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ORDER

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Mr.A.R.Sakthivel, learned Senior Panel Counsel accepts notice for R1 and Mr.N.Muthuvel, learned Government Advocate (Crl.Side) accepts notice for R2 and both are armed with instructions to enable final disposal of this matter, even at this juncture. Hence, by consent of both learned counsel, this writ petition is taken up for final disposal, even at the stage of admission.

2. The petitioner was a holder of passport bearing No.L7367062. Since it was due to expire on 24.02.2024, he sought renewal of the same as early as on 07.11.2023. The passport was renewed and despatched to him on 15.11.2023.

3. While this is so, the petitioner received a show cause notice dated 06.12.2023 putting him to notice as to the proposed action of impounding the passport on the ground that a case in Manavalanagar Police Station Crime No.249 of 2022 under Sections 147, 148, 294(b), 323, 325, 341, 383, 307 and 506(ii) of I.P.C. was pending against him. The petitioner states that he had appeared before the respondent on 18.12.2023 and tendered an explanation.

4. Inter alia, he brings to the notice of the authorities that he had filed a petition in Crl.O.P.No.24490 of 2022 seeking



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anticipatory bail on the file of this Court relating to Crime No.249 of 2022, referred to in the show cause notice.

5. By order dated 06.10.2022, this Court has granted anticipatory bail. The petitioner thus requests acceptance of his explanation and continuance of passport without interruption.

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

7. Learned counsel for the respondents 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* (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)).



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8. In fine, the petitioner is permitted to appear before R1 on 26.12.2023 at 10.30 a.m. (convenience of all parties in this regard has been ascertained) and after hearing the petitioner, let the first respondent pass orders on the application of the petitioner on or before 30.12.2023, in line with the observations in this order.

9. This Writ Petition is disposed as above. No costs.
Connected miscellaneous petition is closed.

21.12.2023

Index:Yes/No
Neutral Citation:Yes
ssm

Note to Registry : Issue on 22.12.2023

To

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2.The Inspector of Police,
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DR. ANITA SUMANTH,J.

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