



W.P(MD)No.1460 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1460 of 2023

Byju Nizeth Paaul

... Petitioner

Vs.

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

2.The Inspector of Police,
Thakalai Police Station.

(R2 is suo motu impleaded vide order
dated 25.01.2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to drop all further proceedings with regard to impounding of the passport under Section 10(3)(e) of the Passport Act, 1967 bearing No.U4541366 issued on 28.02.2020 with a validity period upto 27.02.2030 based on the explanation submitted by the petitioner dated 24.09.2020 and in the light of the order passed by this Court in W.P.(MD)No.15829 of 2020, dated 08.01.2021.



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For Petitioner : Mr.F.Deepak

For Respondents : Mr.B.Deepa
CGSC for R1

: Mr.B.Thanga Aravindh
Government Advocate (Crl.side) for R2

ORDER

Heard the learned counsel on either side.

2. The petitioner is an Indian citizen. The petitioner got his name changed. He therefore applied to the first respondent for effecting corresponding name change in the passport. This was sought in the year 2019. The petitioner filled up the relevant form also during the relevant time. The petitioner was then facing two criminal cases which were at the FIR stage. The petitioner was issued with passport which is valid upto 2030. The first respondent was thereafter informed about the pendency of the criminal cases against the petitioner. Hence, the petitioner's passport came to be impounded. For dropping further proceedings, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a correspondent of educational institution and that he has to attend conference to be held in Dubai in 4th week of February 2023.



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4. The learned Government Advocate filed counter affidavit and it is seen therefrom that the petitioner is figuring as an accused in C.C.No.30 of 2020 and C.C.325 of 2022 on the file of the Judicial Magistrate No.I, Padmanabhapuram.

5. The learned standing counsel appearing for the first respondent pointed out that any applicant must place all the relevant facts before the authority and should not indulge in suppression of material facts.

6. I find considerable force in the said contention. However, I am satisfied that the petitioner is not a flight risk. He has to be given relief urgently. It is for this reason I direct the first respondent to issue appropriate communication to appropriate authorities so that the petitioner can travel abroad to attend the proposed conference at Dubai. However, I decline to direct the first respondent to drop further proceedings.

7. The first respondent is directed to issue proceedings forthwith so as to keep the impounding of the passport in abeyance. This alone would enable the petitioner to travel abroad. Such proceedings shall be issued by the first respondent immediately and forthwith and without any delay. After the petitioner returns from abroad, he should inform the first respondent and the



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first respondent will thereafter pass appropriate orders on merits and in accordance with law. I consciously refrain from directing the first respondent to drop the proceedings. If any adverse order is passed by the first respondent, it is always open to the petitioner to come to this Court again.

8. The Writ Petition is disposed of accordingly. No costs.

08.02.2023

Index : Yes / No
Internet : Yes/ No
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NOTE:Issue Order Copy on 09.02.2023.

To

The Inspector of Police,
Thakalai Police Station.

G.R.SWAMINATHAN, J.



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