



WP(MD)No.1917 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.1917 of 2022
and
WMP(MD)No.1675 of 2022

Sundarrajan Gnanasekar

.. Petitioner

v.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
District Crime Branch,
Tirunelveli District.
Crime No.23/2011

3.The Regional Passport Authority,
Passport Office,
Tiruchirappalli.

4.The Assistant Passport Authority,
Passport Office,
Bharathi Ula Street,
K.Pudur,
Madurai.

5.Johnson Chandrasekar

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to initiate appropriate proceedings as against the fifth respondent in terms of Section 10(3)(e) of the Passport Act so as to impound his passport issued vide Passport No.E5896988 in the light of the criminal case being faced by him in C.C.No.120 of 2013 pending on the file of the learned Judicial Magistrate No.I, Tirunelveli.

For Petitioner : Mr.R.Anand

For Respondents : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
for R.1, R.2

Mr.S.Sivakumar,
Central Government Standing Counsel
for R.3, R.4

ORDER

The petitioner has lodged a complaint as against the fifth respondent and others that they have cheated him in the year 2011. The complaint of this petitioner was registered in Crime No.23 of 2011 as against the fifth respondent and other accused for the offence u/s.120(b), 420, 409, 467,



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468 IPC. The said case was charge sheeted and taken on file by the learned Judicial Magistrate No.I, Tirunelveli, in C.C.No.120 of 2013 and the same is pending for the appearance of the fifth respondent.

2.According to the petitioner, the fifth respondent is a permanent resident of Republic of Singapore and he is not available for the trial for the past ten years. In view of the same, the trial in C.C.No.120 of 2013 is still pending. With this grievance, the petitioner has submitted an application before the Passport Authority to take action u/s.10(3)(e) of the Passport Act. Alleging inaction on the said application, the petitioner has filed this writ petition.

3.As per Section 10(3)(e) of the Passport Act, the Passport Authority may impound or revoke a Passport or any travel document if any proceedings in respect of a offence alleged to have been committed by the holder of the Passport or travel document are pending before a Criminal Court in India.



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4. Admittedly, a criminal case is pending as against the petitioner in C.C.No.120 of 2013 before the learned Judicial Magistrate No.I, Tirunelveli. In view of the same, this writ petition is disposed of with a direction to the respondents 3 & 4 to consider the case of the petitioner in the light of the provision u/s.10(3)(e) of the Passport Act and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner and the fifth respondent.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

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