



W.P(MD)No.4476 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4476 of 2023

Jafar Asan Maideen Batcha

... Petitioner

Vs

1.The Regional Passport Officer,
Office of the Regional Passport Office,
K.Pudur,
Madurai.

2.The Joint Commissioner,
Office of the Commissioner of Customs (Preventive),
No.1, Williams Road,
Cantonment,
Trichy – 620 001.

3.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Trichy Regional Unit,
No.9c, Bharathidasan Road,
Cantonment,
Trichy – 620 001.

...Respondents

(R3 is impleaded vide Court order dated 07.06.2022 in WMP(MD) No.8602/2023 in WP(MD) No.4476 of 2023 by CVKJ)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to consider the representation of the petitioner, dated 01.12.2022 and consequently direct the first respondent to re-issue the passport (bearing No.Z5448941) in favour of the petitioner.

For Petitioner	: Mr.T.Selvan
For R1	: Mr.P.Paulpandi Standing Counsel
For R2 & R3	: Mr.N.Dilipkumar Standing Counsel

ORDER

The petitioner was issued with a passport on 15.11.2019 and it expires on 14.11.2029. Due to exhaustion of pages, the petitioner has applied for re-issuance of passport on 25.08.2022. The passport authorities has issued a show cause notice on 20.09.2022, calling upon the petitioner to furnish his explanation with regard to the criminal case pending as against him. On 20.09.2022, the petitioner has submitted an explanation. However, the petitioner's application has not been considered by the passport authorities. Hence, this petition.



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2.The learned Standing counsel appearing for the first respondent by referring the counter affidavit submits that the passport of eight passport holders including the petitioner has been kept pending in view of the criminal case in Crime No.1 of 2019 for the offences punishable under Sections 120b, 420, 465, 468, 471 of IPC r/w Section 12(1A)(a), 12 (1A)(b), 12(2) of Indian Passports Act, 1967. The learned counsel further submits that the petitioner was arrested on 02.12.2020 under Section 104 of Customs Act, 1962 and remanded to judicial custody before the Judicial Magistrate Court, I, Trichy for smuggling of 26 numbers of foreign origin gold bars weighing 3.31 kgs worth Rs.1,56,58,730/- from Dubai to India and a penalty of Rs.75,00,000/- was imposed upon the petitioner and the Directorate of Revenue Intelligence has proposed to launch prosecution against the petitioner under Section 135 of the Customs Act, 1962.



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3.In view of the above, this Court is not inclined to grant any relief to this petitioner. Accordingly, this writ petition is dismissed. No costs.

19.09.2023

NCC :Yes/No

Index :Yes/No

Internet:Yes

vrn

To

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B.PUGALENDHI, J.

vrn

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