



W.P(MD)No.4525 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4525 of 2023

Rajendran Subbiah.S

... Petitioner

Vs

**1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road, Madurai 2.**

**2.The Inspector of Police,
Koodalpudur Police Station,
Madurai.**

...Respondents

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 not to recall the petitioner's passport No. U8836920 dated 20.04.2021 based on his explanation letter dated 17.02.2023 within a time limit stipulated by this Court.

For Petitioner	:Mr.V.M.Jegadeeshapandian
For R1	:No appearance
For R2	:Mr.P.Kottaichamy
	Government Advocate



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ORDER

The case of the petitioner is that he has submitted an application for re-issuance of passport and the passport authorities have re-issued passport to the petitioner in Passport No.U8836920 on 20.04.2021 after due process. Thereafter, the petitioner was received a communication from the first respondent on 05.05.2021 stating that a criminal case in Crime No.762 of 2020 is pending on the file of the Anna Nagar Police Station, Madurai. The petitioner offered his explanation on 25.08.2021 that the above mentioned case was registered for violation of COVID-19 pandemic and the same has been quashed by this Court in Crl.OP(MD) No.9724 of 2021,dated 22.07.2021. The petitioner has received another communication from the first respondent on 21.10.2021, to clarify with regard to Crime No.965 of 2017 on the file of the Koodal Pudur Police Station as against the petitioner for the offences punishable under Sections 420 & 506 (ii) IPC. However, he has not offered any explanation to the communication dated 21.10.2021. Now, the



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petitioner has admitted that the case in Crime No.965 of 2017 for the offences under Section 420 & 506(ii) IPC is still pending investigation and final report has not yet been filed before the concerned Judicial Magistrate Court. The petitioner prays that a direction may be issued to the first respondent/passport authorities not to recall the passport issued to the petitioner on 20.04.2021.

2.Today(19.09.2023), when this writ petition is taken up for hearing, the learned Standing Counsel appearing for the first respondent submits that in view of the adverse police verification report submitted by the second respondent with the remarks that the petitioner has involved in criminal case, the passport authorities have sent a communication, dated 21.10.2021, intimating the petitioner that the passport issued to the petitioner may be recalled and the petitioner was directed to offer his explanation.

3.A detailed counter affidavit has also been filed by the first respondent that the petitioner has applied for re-issuance of



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passport during its validity and the same was processed on post-police verification report and the passport was dispatched to the petitioner on 20.04.2021. Subsequently, an adverse police report was updated by the Commissioner of Police, Madurai on 03.05.2021 stating that a case in Crime No.762 of 2020 has been registered on the file of E3 Police Station, under Section 188 and 269 of IPC. Hence, a show cause notice was issued to the petitioner on 05.05.2021 sought for his explanation. The petitioner has also submitted his explanation dated 25.08.2021 that the case in Crime No.762 of 2020 was quashed by this Court in CrI.OP(MD) No.9724 of 2021, dated 22.07.2021. Thereafter, a communication to the Commissioner of Police, Madurai has been sent for re-verification of the above criminal case. It was updated by the Commissioner of Police, Madurai that another criminal case in Crime No.965 of 2017 has been registered as against this petitioner on the file of the Koodalpudur Police Station. Hence, a show cause notice was once again issued to the petitioner on 21.10.2021. An explanation has been submitted by the petitioner that a case in Crime No.965 of 2017



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has been registered on the file of the Koodal Pudur Police Station for the offences punishable under Sections 420 and 506(ii) IPC and the same is under investigation. Hence, the matter was referred to the Commissioner of Police, Madurai by a letter dated 31.03.2023 and the reply is awaited. According to the learned standing counsel, the passport issued to the petitioner is still with the petitioner alone and the present status of the passport is valid. However, on receipt of reply from the Commissioner of Police, Madurai, further action would be taken.

4.Mr.P.Kottaichamy, learned Government Advocate appearing for the second respondent submits that the petitioner is involved in two criminal cases in Crime No.762 of 2020 on the file of the Anna Nagar Police Station and Crime No.965 of 2017 on the file of the Koodal Nagar Police Station. The case in Crime No.762 of 2020 has been quashed by this Court in Crl.OP(MD) No.9724 of 2021 on 22.07.2021. The case in Crime No.965 of 2017 has been closed as 'further action dropped' on 27.02.2020. RCS Notice in 47



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of 2023 has also been issued on 03.08.2023. He further submits that as on date, no criminal case is pending as against this petitioner.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.Based on the application of the petitioner for re-issuance of passport, the passport authorities have re-issued the passport to the petitioner in Passport No.U8836920 on 20.04.2021. Thereafter, the passport authorities have received adverse reports with remarks that the petitioner has involved in two criminal cases. The reports have been received in two occasions in the year 2021. As per the adverse reports received by the first respondent, the petitioner has involved in two cases in Crime No.762 of 2020 on the file of the Anna Nagar Police Station and Crime No.965 of 2017 on the file of the Koodal Nagar Police Station. The petitioner claims that the case in Crime No.762 of 2020 has been quashed by this Court in Crl.OP(MD) No.9724 of 2021,dated 22.07.2021 and



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another case in Crime No. 965 of 2017 in under investigation and no charge sheet has been filed. On the other hand, the learned Standing counsel for the first respondent has agreed that a report has been received from the second respondent that Crime No.762 of 2020 has been quashed by this Court. However, they have not received any report with regard to the case in Crime No.965 of 2017. Whereas, the learned Government Advocate has taken a stand that the case in Crime No.762 of 2020 has been quashed by this Court in Crl.OP(MD) No.9724 of 2021 on 22.07.2021 and another case in Crime No.965 of 2017 has been closed as 'further action dropped' on 27.02.2020 and RCS Notice has also been issued to that effect. It is not known when the case in Crime No.965 of 2017 has been closed in the year 2020, under what circumstances an adverse report has been sent to the passport authorities in the year 2021, which necessitated the petitioner to approach this Court.

7.In view of the above, this writ petition is disposed of with the following directions:



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- i. The Commissioner of Police, Madurai is directed to take necessary action as against the officers, who have provided wrong information to the passport authorities and ensure that such incident would not take place in future.
- ii. Since it is reported that as on date no criminal case is pending against the petitioner, the passport authorities shall not disturb the possession of the passport by the petitioner.

No costs.

25.09.2023

NCC: Yes/No

Index: Yes/No

Internet: Yes

vrn

To

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road, Madurai 2.

2. The Inspector of Police,
Koodalpudur Police Station,
Madurai.



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B.PUGALENDHI, J.

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Order made in
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25.09.2023