



WP(MD)No.13941 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD).No.13941 of 2023 and
WMP(MD) Nos.11766 & 11767 of 2023

Arun Pandiyan

... Petitioner

Vs

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

2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.224/2018)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned Show Cause Notice dated 29.05.2023 on the file of the first respondent and quash the same



WP(MD)No.13941 of 2023

as illegal and further directing the respondents to issue Police Clearance Certificate (PCC) to the petitioner within a time as may be stipulated by this Court.

For Petitioner : Mr.V.Kathirvelu
Senior Counsel for
Mr.K.Jeyamohan
For R1 : Mr.C.Nandagopal
Central Government Standing Counsel
For R2 : Mr.D.Farjana Ghoushia
Special Government Pleader

ORDER

Notice for enquiry dated 29.05.2023 issued by the first respondent is under challenge in this writ petition.

2.The learned senior counsel appearing for the petitioner submits that the respondents sought to conduct an enquiry based on a criminal case in Crime No.224 of 2018, on the file of the Kamuthi Police Station, which has been registered as against the petitioner, for the offences punishable under Sections 147, 148, and 504 IPC and



WP(MD)No.13941 of 2023

Section 3(1) of the Prevention of Damage to Public Property Act, 1984. The case has been registered as against the petitioner on 31.10.2018 on a dispute between two political parties. It is also pointed out by the learned senior counsel that the name of the petitioner is not found in the First Information Report. He further submits that in view of the pendency of the enquiry, the petitioner's prospects of job in Europe countries is affected.

3.The learned Standing counsel appearing for the first respondent submits that on some information, they have issued this impugned notice and it is only a show cause notice and they have not taken any decision so far. The petitioner has not appeared for the enquiry. A suitable direction may be issued to the petitioner to appear for the enquiry before the first respondent enabling them to complete the enquiry at the earliest.



WP(MD)No.13941 of 2023

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

5.The proceedings impugned in this writ petition is only a show cause notice. The respondents have initiated an enquiry by issuing this impugned notice. The grievance of the petitioner is that a passport was already issued to him in the year 2016. However, notice has been issued now on a criminal case, which was registered as against him in the year 2018. The learned senior counsel submits that pendency of the First Information Report cannot be an impediment to grant or renew the passport. He relied on the Judgment in ***Dr.Shahul Hameed Aboobacker Vs. The Regional Passport Officer, Kochi***, reported in ***2016 SCC Online ker 26448***. The stand of the respondents is that it is only a show cause notice and the petitioner is expected to appear before the first respondent.



WP(MD)No.13941 of 2023

WEB COPY

6.In view of the above, this writ petition is disposed of with a direction to the petitioner to appear before the first respondent on 27.07.2023 at 10.30 a.m. without fail, without waiting for a copy of this order. The Central Government Standing Counsel shall instruct the first respondent accordingly. The first respondent shall complete the enquiry within period of two weeks from the date of receipt of a copy of this order. The second respondent is also expected to file their response during the enquiry. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.07.2023

NCC : Yes / No.

Index : Yes / No.

vrn



WP(MD)No.13941 of 2023

To
WEB COPY

- 1.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 2.
- 2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.



WEB COPY



WP(MD)No.13941 of 2023

B.PUGALENDHI, J.

vrn

Order made in
WP.(MD).No.13941 of 2023 and
WMP(MD) Nos.11766 & 11767 of 2023

07.07.2023