



W.P.(MD)No.21713 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21713 of 2023

I.Suresh Kumar

... Petitioner

versus

The Passport Granting Officer,
Regional Passport Office,
768, Bharathi Ula Road,
Near Thamaraithotti Bus Stop,
Reserve Line,
Madurai – 625 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 17.08.2023 and 29.08.2023 demanding for issuance of passport renewal application in petitioner's passport No.9253450 within a time frame fixed by this Court.

For Petitioner : Mr.S.Raja Mohamed

For Respondent : Mr.D.Alaguram Jothi

Central Government Standing Counsel



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ORDER

WEB COPY The petitioner was issued with a Passport bearing No.9253450 in the year 2014. Since the said passport is due to expire in the month of April 2024, he applied for renewal of his passport before the respondent on 27.07.2023. But, the respondent, based on the police verification report, refused to entertain his application on the ground that he is involved in three criminal cases.

2. Mr.Alaguram Jothi, learned Central Government Standing Counsel, who takes notice for the respondent, submits that the following criminal cases are pending as against this petitioner:-

Sl. No.	Name of the Police Station	Crime Nos.	Offences	Stage of the case
1.	Paramakudi Taluk Police Station	Cr.No. 310/2017	U/s.294(b), 323 and 506(i) IPC	C.C.No.34 of 2019 on the file of the Judicial Magistrate, Paramakudi



2.	Abiramam Police Station	Cr.No. 262/2022	U/s.294(b), 323, 324, 506(ii) IPC and Section 4 of TNPWH Act	C.C.No.30 of 2023 on the file of the Judicial Magistrate, Kamuthi
3.		Cr.No. 145/2023	U/s.147, 294(b), 324, 506(i) IPC and Section 4 of TNPWH Act	UI

Since three criminal cases are pending as against the petitioner, the respondent has not considered the petitioner's application for re-issuance of passport.

3. The Passport Authority can refuse the passport and any travel documents under Section 6 of the Passport Act, 1967. Section 6(2)(F) of the Act would be relevant and the same is extracted as under:-

“6.Refusal of passports, travel documents, etc-

...

(2)Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely -



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...

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India.”

4. The above provision enables the Passport Authority to refuse the passport or travel document to an applicant on the ground that proceedings in respect of an offence alleged to have been committed by the applicant is pending before a Criminal Court.

5. The Ministry of External Affairs, Government of India, has issued a statutory notification in GSR.570(E) dated 25.08.1993 with certain guidelines by providing relief to those applicants against whom criminal proceedings are pending before the Courts that they can obtain the passport by obtaining No Objection Certificate from the concerned Court and also by filing an undertaking as prescribed in the notification.



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6. Ordinarily, the duration of a passport as per Rule 12 of the Passport Rules is for a period of 10 years. In the event if the applicant is facing any criminal proceedings, the passport may be issued by restricting the period.

7. In this case, the petitioner is involved in three cases, out of which, in two cases, namely, in Cr.No.262 of 2022 and Cr.No.310 of 2017, final reports have been filed and the same have been taken on file in C.C.No.30 of 2023 on the file of the Judicial Magistrate, Kamuthi and C.C.No.34 of 2019 on the file of the Judicial Magistrate, Paramakudi, respectively.

9. Therefore, this writ petition is disposed of with the following directions:-

i) The petitioner shall file an affidavit of undertaking along with substantive sureties to ensure his availability for the trial, before the concerned Courts where the cases are pending. The Courts, on



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satisfaction and after ensuring his availability for the trial, shall issue a No Objection Certificate to the petitioner enabling him to get his passport renewed.

ii) The petitioner, thereafter, shall file an affidavit under GSR. 570(E) along with a No Objection Certificate obtained from the concerned Courts before the Passport Authority. On such presentation of the application, the Passport Authority shall consider the same and renew the passport for a temporary period depending upon the requirement. No costs.

07.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on 11.09.2023

To

The Passport Granting Officer,
Regional Passport Office,
768, Bharathi Ula Road,
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Reserve Line,
Madurai – 625 002.



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B.PUGALENDHI, J.

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