



W.P.(MD)No.21321 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21321 of 2023

Saifudeen

... Petitioner

versus

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 018.

2. The Inspector of Police,
Adirampattinam Police Station,
Adirampattinam,
Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st respondent to reissue/renew the Passport bearing No.K8774754 to the petitioner by processing his application in File No.TR1074667765322 based on the explanation/representation dated 17.08.2023 within a time limit stipulated by this Court.



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For Petitioner : Mr.B.Anandan
For R1 : M/s.B.Dheepa,
Central Government Standing Counsel
For R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner was issued with a Passport bearing No.K8774754 on 07.01.2013 and the same was expired on 07.01.2023. Therefore, he applied for renewal of passport before the first respondent on 12.10.2022. But, the first respondent, based on the police verification report, refused to entertain his application on the ground that he is involved in two criminal cases. Though he submitted his explanation with regard to the criminal cases pending against him on 17.08.2023, the first respondent has not considered the same. Hence, the present writ petition has been filed.

2. Ms.B.Dheepa, learned Central Government Standing Counsel, who takes notice for the first respondent, submits that on the police



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verification report, it is found that the petitioner is involved in two criminal cases, viz., Cr.No.152/2017, for the offences under Sections 294(b), 506(ii) and 324 IPC and Cr.No.236/2017 for the offences under Sections 147, 148, 294(b), 352, 353 and 506(i) IPC and in both the cases, final reports have already been filed before the concerned Court. Therefore, the petitioner was directed to give his explanation with regard to the criminal cases pending against him. If the final reports are pending against the petitioner, then, the issuance of passport is not possible in view of Section 6(2)(f) of the Passport Act.

3. Mr.P.Kottaichamy, learned Government Advocate (Crl. side), who takes notice for the second 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.	Adirampattinam Police Station	Cr.No. 152/2017	U/s.294(b), 506(ii) and 324 IPC	C.C.No.18 of 2023 on the file of the Judicial Magistrate, Pattukottai



2.	Adirampattinam Police Station	Cr.No. 236/2017	U/s.147, 148, 294(b), 352, 353 and 506(i) IPC	C.C.No.290 of 2018 on the file of the Judicial Magistrate, Pattukottai
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In both the cases, final reports have been filed and the same have been taken on file in C.C.No.18 of 2023 on the file of the learned Judicial Magistrate, Pattukottai and C.C.No.290 of 2018 on the file of the learned Judicial Magistrate, Pattukottai.

4. 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 -

...

(f) that proceedings in respect of an offence alleged to



have been committed by the applicant are pending before a Criminal Court in India.”

5. 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.

6. 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.

7. 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



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is facing any criminal proceedings, the passport may be issued by restricting the period.

8. In this case, the petitioner is involved in two criminal cases and in both the cases, final reports have been filed and the same have been taken on file in C.C.No.18 of 2023 on the file of the learned Judicial Magistrate, Pattukottai and C.C.No.290 of 2018 on the file of the learned Judicial Magistrate, Pattukottai.

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 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.



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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.

01.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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