



WP(MD)No.16651 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Mohammed Arshad

... Petitioner

v.

1.The Regional Passport Officer,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Superintendent of Customs,
Air Intelligence Unit,
Bangalore International Airport,
Bangalore – 560 300.

... Respondents

[R.2 impleaded vide order dated 05.06.2018]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondent / Regional Passport Officer to reissue forthwith the petitioner's passport bearing No.Z-2658202 on the basis of the petitioner's application in File No.MD1079653169916.



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For Petitioner : Mr.M.J.Shabu Jose

For Respondents : Mr.G.Rajaraman
Central Government Standing Counsel
for R.1

No appearance for R.2

ORDER

The petitioner approached this Court for a mandamus directing the first respondent / Regional Passport Officer to reissue his passport bearing No.Z-2658202, by considering his application in No.MD1079653169916.

2.Learned Counsel appearing for the petitioner submitted that the respondents have registered a case as against this petitioner for a bailable offence and has also produced him before the Special Court (Economic Offences), Bangalore. The petitioner was released on bail and thereafter, the petitioner has not received any summons from the Court. By relying upon the case, the respondents have blocked the petitioner's passport and this petitioner was not in a position to travel abroad. Therefore, the petitioner has submitted an application for reissuance of passport and approached this Court.



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WEB COP 3. Learned Central Government Standing Counsel, by relying upon the counter affidavit filed by the first respondent, submitted that the petitioner was found to have indulged in smuggling and got arrested under the Customs Act at the Kempegowda International Airport, Bangalore. Based on the information provided by the Deputy Commissioner of Customs, Air Intelligence Unit (Customs), Kempegowda International Airport, Bangalore, action was taken as against this petitioner under Sections 135 & 104 of the Customs Act.

4. He further submitted that a notice was issued to the petitioner on 27.09.2016 for his appearance and this petitioner has also submitted his explanation on 07.10.2016. The prosecution with regard to smuggling is still pending as against the petitioner before the Special Court (Economic Offences), Bangalore.

Considering the rival submissions made, this writ petition stands disposed of, with a direction to the petitioner to submit a fresh application



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B.PUGALENDHI, J.

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depending upon the outcome of the case pending against him before the Special Court (Economic Offences), Bangalore. There shall be no order as to costs.

Index : Yes / No

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NCC : Yes / No

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