



WEB COPY



W.P.No.835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.01.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.835 of 2024
& WMP.No.1061 of 2024

D.Karthikeyan

... Petitioner

Vs

1. Regional Passport Officer,
Regional Passport Office Coimbatore,
First Floor, Corporation Commercial Complex,
Opp. Thandumariamman Koil,
Avinashi Road, Coimbatore – 641 018.

2. The Inspector of Police,
Erode North Police Station,
Erode.

(R2 impleaded suo motu vide this order)

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the show cause notice with letter ref. No.SCN/316294403/23 dated 23.11.2023 issued by the respondent and quash the same as arbitrary and illegal and consequently direct the respondent to re-issue the passport of the petitioner by considering petitioner's application with file No.CB4075942833123 dated 06.11.2023 on the file of the respondent..



WEB COPY



W.P.No.835 of 2024

For Petitioner : Mr.Balaji Thirumoorthy

For Respondents : Mr.M.Sathyan
Senior Panel Counsel - R1
Mr.R.Kishore Kumar
Government Advocate - R2

ORDER

Mr.M.Sathyan, learned Senior Panel Counsel accepts notice for R1 and Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R2 and both are armed with instructions to enable final disposal of this matter, even at the stage of admission.

2. The petitioner is a holder of passport bearing No.Z2724354, that expired on 29.12.2023. He has made an application seeking renewal of the passport on 06.11.2023 before the Regional Passport Officer/R1. The petitioner states that he has received a show cause notice seeking clarification about an adverse report received from Erode North Police Station, Erode in Crime No.25 of 2023, for which he has responded on 29.11.2023.

3. Since, the Inspector of Police has not been arrayed as respondent and it is necessary to obtain instructions with regard to the status of the criminal case, the Inspector of Police, Erode North Police Station, Erode is suo motu impleaded as R2 in this Writ Petition.



W.P.No.835 of 2024

4. Mr.Kishore Kumar, learned Government Advocate, who accepts notice for the newly impleaded R2, would state that the matter is pending only at the stage of FIR and no charge sheet has been laid till date. Mr.M.Sathyan, learned Senior Panel Counsel for R1 is also in possession of written instructions to state that show cause notice had been issued to the petitioner on 23.11.2023 calling for the appearance of the petitioner in order to explain the stage of criminal case.

5. The petitioner has responded to the show cause notice by letter dated 29.11.2023 and status tracker indicates that the reply of the petitioner has been received. The explanation tendered is that he has been falsely implicated in the criminal case and the same shall not stand in the way of issuance of a passport.

6. The settled position of law as seen from the judgment of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation (Criminal Appeal No.1342 of 2017 dated 27.09.2021)*, as well as orders passed in the cases of *Suresh V. Regional Passport Officer* (W.P.No.30019 of 2023 order dated 17.11.2023) and *Nedumaran Palaniappan V. Regional Passport Officer* (W.P.No.28448 of 2023 order dated 24.11.2023) is that a passport may not be refused to be issued/re-issued merely on the ground of pendency of a criminal case. The ratio of the aforesaid decisions have been consistently followed by the Courts.



W.P.No.835 of 2024

7. In the present case, the only reason cited in show cause notice dated 23.11.2023 calling for the appearance of the petitioner is the pendency of the criminal case. This cannot justify the delay in issuance of passport from 29.12.2023 when the petitioner's application is pending.

8. The petitioner is granted liberty to appear before the first respondent on any working day between 19.01.2024 and 30.01.2024, barring Wednesday between 9.30. a.m. and 12.30 p.m. without expecting any further notice in this regard and pursue the application.

9. After hearing the petitioner and considering his explanation, the first respondent will process the application of the petitioner in light of the settled position of law as set out in paragraph 5 supra, within a period of two (2) weeks from date when the petitioner presents himself before the authority, in accordance with law.

10. This writ petition is disposed in terms of this order. No costs. Connected Miscellaneous Petition is closed.

18.01.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

sl



W.P.No.835 of 2024

WEB COPY

1. Regional Passport Officer,
Regional Passport Office Coimbatore,
First Floor, Corporation Commercial Complex,
Opp. Thandumariamman Koil,
Avinashi Road, Coimbatore – 641 018.
2. The Inspector of Police,
Erode North Police Station,
Erode.



WEB COPY



W.P.No.835 of 2024

Dr.ANITA SUMANTH,J.

Sl

W.P.No.835 of 2024

18.01.2024