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W.P.No.1577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.01.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.1577 of 2024

Visweswaran

... Petitioner

Vs

1. The Regional Passport Officer,
Chennai Royala Towers, No.2 & 3
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai – 600 002.

2. State represented by its
Inspector of Police,
W 26 All Women Police Station,
Ashoknagar, Chennai – 600 083.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the 1st respondent to renew the
petitioner's passport No.L9150251 bearing File No.MA1075973091723.

For Petitioner : Mr.R.Bharanidharan

For Respondents : Ms.V.Sudha
Central Government Standing Panel Counsel - R1
Mr.R.Kishore Kumar
Government Advocate - R2



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ORDER

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Ms.V.Sudha, learned Central Government Standing Counsel 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 seeks a mandamus directing the Regional Passport Officer, Chennai/R1 to renew the petitioner's passport bearing No.L9150251. The passport is due to expire on 27.05.2024 and the petitioner had sought renewal of the same on 15.11.2023. File No.MA1075973091723 was assigned to the renewal application.

3. The petitioner has made a due disclosure about a criminal complaint lodged against himself and his family of dowry harassment before the second respondent, i.e., Inspector of Police, All Women Police Station in Crime No.14 of 2022 for offences under Sections 498(A), 420, 406, 506 (ii) read with 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

4. Mr.Kishore would convey the status of the criminal case to the effect that charge sheet in C.C.No.835 of 2023 has been filed and the matter is, in fact, listed before the IV Metropolitan Magistrate Court, Saidapet on 30.01.2024.



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5. That apart, HMOP No.1214 of 2022 as between the petitioner and his wife is pending before IV Additional Family Court, Chennai and is listed on 31.01.2024.

6. The petitioner has also made a disclosure in regard to a Look out Notice issued by R2. Notwithstanding the same, the narration of events in the writ affidavit reveals that the petitioner has been travelling back and forth between India and Canada several times.

7. The cause of action for the filing of the present Writ Petition is the inaction of R1 in the processing of the passport renewal application. Ms.Sudha, learned counsel for R1, on instructions, would agree that the application will be disposed expeditiously.

8. The settled position of law as regards the adjudication of renewal application/application for re-issue of passport is that the same may not be withheld merely on the ground of pendency of a criminal case (See 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



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order dated 24.11.2023). The ratio of the aforesaid decisions have been consistently followed by the Courts.

9. The petitioner is thus granted liberty to appear before the first respondent on any working day between 30.01.2024 and 02.02.2024, between 9.30. a.m. and 12.30 p.m. without expecting any further notice in this regard and pursue the application.

10. 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 8 supra, within a week from date when the petitioner presents himself before the authority, in accordance with law.

11. The litigation before the Family Court and the criminal case will proceed as per law. It is for the Metropolitan Magistrate, Saidapet to impose such conditions as he may consider necessary in the circumstances of the case.

12. This writ petition is disposed in terms of this order. No costs.

29.01.2024

Index : Yes / No

Speaking order/Non-speaking order

Neutral citations: Yes/No

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Note: Registry is directed to issue a copy of this order today.



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Dr.ANITA SUMANTH,J.

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