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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.01.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.1943 of 2024

S.Krishnan

... Petitioner

Vs

1 The Regional Passport Officer,
First Floor,
Corporation Commercial Complex,
Opp. Thandu Mariamman Koil,
Avinashi Road,
Coimbatore – 641 018.

2 The State of Tamilnadu,
Represented by Inspector of Police,
Namakkal Police Station,
Namakkal.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent of dispose of petitioner application to renew/re-issue of the petitioner's passport applied under file no.CB1075182591723 dt.17.03.2023.

For Petitioner : Mr.M.Karunanidhi
For Respondents : Mr.A.Veeramani (R1)
Central Government Counsel
Mr.R.Kishore Kumar (R2)
Government Advocate



ORDER

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Mr.A.Veeramani, learned Central Government Counsel accepts notice for R1/the Regional Passport Officer, Coimbatore and Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R2/Inspector of Police, Namakkal. They are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. Hence, by consent, the following order is passed.

2. The petitioner was holding passport bearing No.J2513707 that expired on 07.05.2022. He has made an application for renewal of the same on 17.03.2023. Interalia, the petitioner has set out therein that a criminal case is pending as against the petitioner before Judicial Magistrate No.1, Namakkal in C.C.No.429 of 2016 in respect of Crime No.717 of 2014 for offences under Sections 420, 506(i), 120B, 468, 420 and 506(ii) IPC.

3. The petitioner was telephonically asked to meet the first respondent on 20.03.2023 and 22.03.2023 and hearings had taken place in regard to the application. He states that he was instructed by R1 to either close the criminal case or obtain a specific direction from the Court for renewal of the passport.

4. In this connection, he had received an e-mail from R1 on 15.05.2023 stating that the passport application is pending on account of the pending criminal



proceedings and the same would have to be completed for further processing. To his surprise, he also received communication dated 19.06.2023, where R1 states that the petitioner had suppressed the factum of the pending criminal case.

5. This is clearly incorrect insofar as a copy of the application placed at pages 37 to 39 of the typed set clearly discloses a full disclosure of the matter therein in the field provided for furnishing details of pending criminal proceedings. In any event, the petitioner responded on 30.06.2023 bringing the above error to the note of the first respondent, despite which, the matter is still hanging fire. Hence, this Writ Petition.

6. 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), orders passed by the First Bench of this Court in *Regional Passport Officer v. Samsudeen Mohamed Salih and another* (W.A.No.902 of 2023 dated 02.06.2023) and of the writ court in *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).



7. In light of the aforesaid, the delay/inaction on the part of R1 to proceed with the processing of the passport application of the petitioner is clearly erroneous and misconceived. That apart, and as the interests of the State/R2 should also be protected, this court notes that the criminal matter is at the stage of trial before the appropriate Court and hence, necessary application would have to be made before the concerned Magistrate for permission to travel abroad.

8. In light of the aforesaid discussion and the judicial precedents, mandamus is issued directing R1 to re-issue passport by processing the application of the petitioner under File No.CB1075182591723 dated 17.03.2023 within a period of one week from date of receipt of a copy of this order.

9. This Writ Petition is allowed. No costs.

31.01.2024

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Index : Yes / No

Speaking Order:Yes

Neutral Citation:Yes

To

- 1 The Regional Passport Officer,
First Floor,
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Opp. Thandu Mariamman Koil,
Avinashi Road,



W.P.No.1943



Coimbatore – 641 018.

2 The State of Tamilnadu,
Represented by Inspector of Police,
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