



W.P.No.3372 of 2024

WEB COPY

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 14.02.2024

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**THE HONOURABLE DR. JUSTICE ANITA SUMANTH**

**W.P.No.3372 of 2024**

Rakesh Radhakrishnan

... 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. The Inspector of Police,  
R-6, Kumaran Nagar Police Station,  
Chennai  
(Crime No.378 of 2019)
3. The Inspector of Police,  
District Crime Branch,  
Kanchipuram.  
(Crime No.8 of 2017)

.... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to renew/reissue the passport to the petitioner, pending in file No.MA1073244380921, within a reasonable time as may be fixed by this Hon'ble Court.



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For Petitioner : Mr.C.Umashankar  
For Respondents: Mr.M.Sathyan (R1)  
Additional Central Government Standing Counsel  
Mr.R.Kishore (R2 and R3)  
Government Advocate

### **ORDER**

Mr.M.Sathyan, learned Additional Central Government Counsel accepts notice for R1/the Regional Passport Officer, Chennai and Mr.R.Kishore, learned Government Advocate accepts notice for R2/Inspector of Police, Kumaran Nagar Police Station, Chennai and R3/Inspector of Police, District Crime Branch, Kancheepuram. 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 is a holder of passport bearing No.J7389106 with validity till 27.07.2021 and has sought re-issue/renewal of the same on 02.02.2021. There has been exchange of communication in regard to the pendency of criminal cases as against the petitioner. According to the petitioner, the details of the pending criminal cases are as follows:

a) Crime No.378 of 2019, pending before the Inspector of Police, R-6, Kumaran Nagar Police Station, Chennai for offences under Section 294(b), 323 and 506(ii) IPC.



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b) Crime No.08/2017 pending before DCB, Kancheepuram for offences

under Sections 420, 34, 468 and 471 IPC.

3. The petitioner has appeared before the first respondent upon receipt of show cause notice dated 12.02.2021, (received on 04.12.2023) citing adverse police report. A detailed explanation has also been tendered on 04.01.2024, despite which there has been no action till date to renew the passport. Hence, this Writ Petition.

4. The settled position of law is that no application for issuance of passport/re-issue of passport be withheld/rejected 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). The ratio of the aforesaid decisions have been consistently followed by the Courts.

5. The petitioner is thus granted liberty to appear before the first respondent on any working day between 16.02.2024 and 22.02.2024, between



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**Dr.ANITA SUMANTH,J.**

**WEB C** 10.30. a.m. and 12.30 p.m. without expecting any further notice in this regard and pursue the application.

6. 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 4 supra, within a period of two (2) weeks from date when the petitioner presents himself before the authority, in accordance with law

7. This Writ Petition is disposed in the aforesaid terms. No costs.

14.02.2024

Index : Yes / No

Speaking order/Non-speaking order

Neutral citations:Yes/No

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To

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