



WEB COPY



W.P.No.3346 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.02.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.3346 of 2024

Uthamaraja

... 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 State
rep. by the Inspector of Police,
Tittagudi Nagar Police Station,
Cuddalore.

.... 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 issue passport to the petitioner herein in pursuance to the petitioner application dated 09.05.2023 vide MA1065342172323.

For Petitioner : Mr.L.Ramanathan

For Respondents:Ms.G.Pavithra



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for Mr.R.K.Gandhi,
Additional Central Government Standing Counsel - R1
Mr.R.Kishore Kumar (R2 and R3)
Government Advocate

ORDER

Ms.G.Pavithra, learned counsel on behalf of Mr.R.K.Gandhi, learned Additional Central Government Counsel accepts notice for R1/the Regional Passport Officer, Chennai and Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R2/Inspector of Police, Tittagudi Police Station, Cuddalore. 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.S6659359 with validity till 08.08.2028 and applied for a passport afresh, since, according to him, his passport had been taken away by his employer at Abu Dhabi. He had returned to India on the basis of the temporary passport. The application filed afresh bears No.MA1065342172323 dated 09.05.2023.

3. Since the matter has been disposed at the time of admission and only limited instructions have obtained by the respondents, the petitioner is put to strict proof of the factual assertions which shall be looked into by the authority while complying with the directions issued at the conclusion of this order.



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4. The petitioner received a show cause notice dated 23.05.2023 calling for certain clarifications in regard to the application. Though the petitioner states that he had appeared in person before the officer, there is nothing to evidence the same. Learned counsel for R1 also has no instructions in this regard.

5. Hence, and in light of the fact that the matter is pending at the stage of reply of the petitioner to the show cause notice, let the petitioner appear before the first respondent on any working day between 16.02.2024 and 22.02.2024, between 10.30. a.m. and 12.30 p.m. without expecting any further notice in this regard and tender an explanation in response to the proposals in the show cause notice.

6. Mandamus is issued to R1 to hear the petitioner, consider the explanation, if any, submitted and pass orders on the application of the petitioner within a period of two (2) weeks from date when the petitioner presents himself before the authority, in accordance with law and the provisions of the Passport Act.

7. In disposing the application, the officer will have regard to the settled position of law to the effect that no application for issuance of passport/re-issue of passport may be withheld/rejected merely on the ground of pendency of a criminal case (See the judgment of the Hon'ble Supreme Court in *Vangala*



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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).

8. It is made clear that the order to be passed by the authority shall take note of the facts of the case and the decision shall be taken in line with the applicable legal provisions contained in the Passport Act and all relevant Regulations and Orders.

9. 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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