



W.P.No.4239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4239 of 2024
and W.M.P.Nos.4553 and 4555 of 2024

P.Uma Sankari

... Petitioner

-Vs-

1. The Registrar of Co-Operative Societies,
Office of the Registrar of Co-Operative Societies,
170, Periyar Evera Highway,
Kilpakkam,
Chennai – 600 010.

2. The Additional Registrar,
Co-Operative Societies,
Chennai Region,
91, St.Mary's Road,
Tanfed Building, 3rd Floor,
Chennai – 600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order Na.Ka.74513/2024 dated 31.01.2024 passed by first respondent and quash the same and further directing the respondents to grant permission to the petitioner to get the passport in petitioner's name.



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For Petitioner : Mr.R.Abdul Mubeen
for Mr.K.Mohan

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 31.01.2024, thereby rejected the request made by the petitioner seeking permission to apply for passport.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is working as Deputy Registrar / Administrative Officer in the Vellala Co-operative Bank Ltd., Chennai. When she was working as Co-operative Sub Registrar/Field Officer and as a Special Officer (Additional Charge), FIR has been registered as against the petitioner for misappropriation of Society funds, to the tune of Rs.4,86,499.90/- in Crime No.1 of 2020 for the offences punishable under Sections 420, 468, 471, 477A and 120B of IPC. Pursuant to the registration of FIR, she was granted anticipatory bail by the Madurai



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Bench of this Court in CrI.O.P.(MD).No.13581 of 2020. Subsequently, she also filed a quash petition to quash the FIR registered in Crime No.1 of 2020 in CrI.O.P.(MD).No.16625 of 2023 and obtained an order of stay and it is pending. While being so, her son's marriage was proposed to be solemnized, on 20.03.2024, at Colombo, Sri Lanka. Therefore, she sought permission from the first respondent to apply for passport. Due to the pendency of the criminal case, the request made by the petitioner was rejected by an order dated 31.01.2024.

4. The first respondent is not the authority to issue passport. The petitioner sought for permission to apply for passport. The antecedence of the petitioner has to be considered only by the passport authority. Therefore, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the impugned order in Na.Ka.74513/2024 dated 31.01.2024 passed by first respondent, is hereby quashed. The petitioner can apply for passport before the concerned authority. It is made clear that the passport authority has to make a call about the registration of criminal case as against the petitioner.



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5. Accordingly, this writ petition is allowed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

27.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
mn



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To

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