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W.P.No.12759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12759 of 2024

P.Annadurai

.... Petitioner

Vs

1. The Regional Passport Officer,
Tower 2 & 3, 4th Floor,
Rayala Towers, No.158, Anna Salai,
Chennai – 600 052.

2. The State,
Rep. by the Inspector of Police,
CBCID, Salem Division,
Chennai.
(R2-Suo Motu impleaded as per
order dated 03.06.2024 in
W.P.No.12759 of 2024)

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent to renew the passport of petitioner vide No.L6807443 dated 07.01.2014 without reference to the criminal case pending against the petitioner in S.C.No.90 of 2015 on the file of the Principal District Court, Dharmapuri and issue passport to the petitioner.

For Petitioner : M/s.R.Saritha
For R1 : M/s.P.J.Anitha
Central Government Standing Counsel



W.P.No.12759 of 2024

ORDER

This Writ Petition has been filed for a direction directing the respondent to renew the passport of the petitioner without reference to the criminal case pending against the petitioner in S.C.No.90 of 2015 on the file of the Principal District Court, Dharmapuri.

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

3. The petitioner applied for renewal of his passport. In the application, he declared that he has not been charged with criminal proceedings nor is there any arrest warrant or summon pending before any Court of Law in India against him.

4. On verification of the records, it was observed that the petitioner had applied for reissue of passport in the year 2014 vide file dated 07.01.2014. It was processed in post-verification mode and the petitioner was issued passport till the validity on 06.01.2024. Subsequently, adverse police verification report was received from the office of the Superintendent of Police, Dharmapuri, wherein it was stated



W.P.No.12759 of 2024

that the petitioner was already involved in Crime No.2074 of 2009 registered for the offences under Sections 147, 148, 302, 323 and 307 of IPC. After filing of the charge sheet, the case has been taken cognizance in S.C.No.90 of 2015 on the file of the Principal Sessions Judge, Dharmapuri. Therefore, the petitioner was issued show cause notice.

5. The petitioner categorically admitted that he was involved in the criminal case and the trial is pending in C.C.No.90 of 2015. Therefore, the provision under Section 10(3)(e) of the Passports Act, 1967 is clearly attracted as against the petitioner. It is relevant to extract the provision under Section 10(3)(e) of the Passports Act, 1967, is reads as follows :

“10(3)The passport authority may impound or cause to be impounded or revoke a passport or travel document,

(e) if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel document are pending before a criminal court in India.”



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6. Therefore, action has been initiated to impound the passport of the petitioner and the same was also duly intimated to the petitioner by a communication dated 29.01.2018. Since there was no response from the petitioner, the passport was impounded and the same was also duly informed to the petitioner by an order dated 27.02.2019. Even then, the petitioner failed to surrender the passport so far. Therefore, the application submitted by the petitioner for re-issue of passport was rejected, since a criminal case is pending as against the petitioner, which attracts Section 6(2)(f) of the Passports Act, 1967. It is relevant to extract the provision under Section 6(2)(f) of the Passports Act, 1967, which reads as follows :

“6(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of Section 5 on any one or more of the following grounds, and on no other ground, namely :-

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal Court in India”.



W.P.No.12759 of 2024

7. Hence, the application submitted by the petitioner was closed and the same was also duly intimated to the petitioner by a communication dated 15.04.2024. Even then, there was no response from the petitioner and as such, subsequently, the entire file was closed by a closure report dated 16.05.2024 and the same was also duly intimated on the same day to him. As of now, no application is pending before the respondent for re-issue of passport to the petitioner.

8. In view of the above, the direction sought for in this writ petition cannot be considered. Thus, the writ petition itself is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

19.06.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1. The Regional Passport Officer,
Tower 2 & 3, 4th Floor,
Rayala Towers,
No.158, Anna Salai,
Chennai – 600 052.



WEB COPY

2. The Inspector of Police,
CBCID, Salem Division,
Chennai.



W.P.No.12759 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.12759 of 2024

19.06.2024