



W.P.No.7123 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.7123 of 2024

M.Selvanesan

... Petitioner

Vs.

1. The Regional Passport Officer,
Shastri Bhavan,
No.26, Haddows, Road,
Chennai – 600 006.
2. The Passport Officer,
Passport Seva Kendra,
Aminjikarai,
Navins Presidium,
No.103, Nelson Manikkam Road,
Aminjikarai,
Chennai.
3. The Commissioner of Police,
Office of the Commissioner,
Vepperi,
Chennai.
4. Inspector of Police,
S-7, Police Station,
Madipakkam,
Chennai.
5. Inspector of Police,

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M-10-Police Station,
Madhavaram,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the 1st respondent herein to return the petitioners passport in bearing no.T9871775 dated 01.11.2019.

For Petitioner : Mr.S.Sabarish

For R1 & R2 : Mr.M.Sathyan
ACGSC

For R3 to R5 : Mr.S.Vinothkumar
Government Advocate (Crl.side)

ORDER

The writ of mandamus has been instituted to direct the 1st respondent to return the petitioner's passport bearing no.T9871775 dated 01.11.2019.

2. Learned Counsel appearing on behalf of the respondents 1 and 2 would submit that the passport of the petitioner was renewed on 01.11.2019 and it is valid up to 31.10.2029.

3. The passport was received by the petitioner. When the petitioner



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is holding the passport, he filed the present writ petition with a prayer to return the petitioner's passport, as if it is impounded. Therefore, the relief sought for is mis-conceived and further the petitioner is holding the passport as of now. The reason for filing the present writ petition is also unknown.

4. Under these circumstances, this Court directed Mr.S.Vinothkumar, Government Advocate (Crl.side) appearing on behalf of the respondents 3 to 5 to get instructions. On instruction, he would submit that seven criminal cases are registered and the details are as under:

<i>S. No</i>	<i>Crime No.</i>	<i>Station</i>	<i>Offence</i>	<i>Stage</i>	<i>Accused rank</i>
1	1450/12	S7 Madipakkam, Chennai	U/s 341, 394(b), 336, 392, 397, 506(ii) IPC	UI	A2
2	3691/12	S9 Pazhavanthangal, Chennai	U/s 341, 294(b), 392, 397 & 506(ii) IPC	C.C.357/13 accused discharged	
3	1602/12	Pallikaranai, Chennai	U/s 341, 294(b), 392, 506(ii) IPC	Acquittal	
4	51/19	M1 Madhavaram, Chennai	U/s 341, 294(b), 336, 327, 392, r/w 397, 506(ii) IPC	UI	A1
5	22/2002	Nambiyur, Erode District	U/s 364, 397 IPC @ 120(b),	Acquittal Dt.11/02/2017	A8



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<i>S. No</i>	<i>Crime No.</i>	<i>Station</i>	<i>Offence</i>	<i>Stage</i>	<i>Accused rank</i>
			364(a), 395, r/w 397, 384, 347, 216(a) and 506(ii) IPC		
6	816/2002	Muthaiyalpettai, Chennai	U/s 120(b), 147, 148, 341, 302, r/2 149, 109, & 75, 506 (ii) & 34 IPC	Acquittal dt.29.12.2008	A3
7	1009/12	S8 Adambakkam, Chennai	U/s 341, 336, 392, 427, 397, 506 (ii) IPC	Ad Ref 10.09.2012	A1

The instructions are provided by the Inspector of Police, S7, Madipakkam Police station.

5. As of now two cases are pending and the other criminal cases are disposed of. However, there is an apprehension that any time the petitioner may travel to abroad without the permission of the Authorities. The procedures followed by the Passport Office and the Police Authorities are alarming, since no appropriate actions are taken to ensure that such persons facing criminal case do not travel to abroad without the permission of the jurisdictional criminal Court.



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6. In this context Section 6 (2) (f) of the Passport Act, 1967 stipulates that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court of India is a ground for refusal to issue passport. In the present case, totally seven criminal cases were registered. Out of which, five cases were disposed of and two cases are pending against the writ petitioner.

7. Learned Counsel for the petitioner would submit that the petitioner is holding the passport. The petitioner has appeared before this Court in-person and produced the passport bearing No.T9871775. The old passport of the petitioner bearing No.H2708826 is also produced before this Court.

8. Learned Government Advocate (Crl.side) appearing on behalf of the respondents 3 to 5 would submit that the 5th respondent is present before this Court, who in turn may be permitted to receive the passports and surrender the same before the jurisdictional Criminal court, wherein the petitioner may be given an opportunity to file appropriate application to travel abroad.



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9. In view of the fact that the criminal cases are pending against the petitioner and under Section 6 (2) (f) of the Passport Act, the Authorities are empowered to impound the same. The passports surrendered by the petitioner before this Court is handed over to Mr.N.Ansar, SSI, M-1, Madhavaram Police Station in the presence of Mr.Vinothkumar, learned Government Advocate (Crl.side), who in turn shall surrender two passports before the jurisdictional criminal Court by today i.e.,24.04.2024 itself and file a report before the Registrar (Judicial), High Court of Madras.

10. The petitioner is at liberty to file an application before the jurisdictional Criminal court, if he decides to travel abroad by following the due process. Accordingly, this Writ Petition stands **disposed of**. No costs

24.04.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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Note: (i) *Registry is directed to communicate a copy of this order to Registrar (Judicial), High Court of Madras.*

(ii) Issue Order Copy today i.e., on 26.04.2024.



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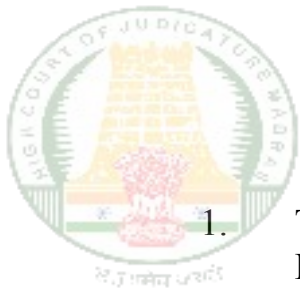
To

WEB COPY

1. The Regional Passport Officer,
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1. The Registrar (Judicial),
High Court of Madras.
2. The Judicial Magistrate,
Madhavaram,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

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S.M.SUBRAMANIAM,J.



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