



W.P.No.10525 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10525 of 2021

Dayalamoorthy

...Petitioner

-Vs-

The Regional Passport Officer,
Chennai Royala Towers,
No.2 & 3, IV Floor,
Old No.786, New No.158,
Anna Salai, Chennai-600 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to issue a passport based on the Application No.MA 1062958114520.

For Petitioner

: M/s.S.Deepika

For Respondent

: Mr.R.Subramanian
Additional Central Government
Standing Counsel



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ORDER

This Writ Petition has been filed for direction directing the respondent to issue passport based on the application No.MA 1062958114520.

2. The petitioner belongs to one political party and he has been involved in the following cases :

<i>S.No</i>	<i>Crime No.</i>	<i>Offences Under Section</i>	<i>Police Station</i>	<i>Status</i>
1	680/2017	147,148,323,324, 506(ii) of IPC	ICF	Quashed in CrI.O.P.No.25 440/2019
2	88/2018	75 City Police Act 7(1)(a) Criminal Law Amendment	Arumbakkam	Petty offence and closed by police
3	949/2017	143 & 188 IPC	Villivakkam	Quashed
4	381/2016	341, 294(b) and 506(ii) of IPC	Villivakkam	Quashed in CrI.O.P.No.116 51 of 2019
5	177/2019	4A(1a) & 4B of TN Open Places (POD) Act, 1959	Villivakkam	Petty offence and closed by police
6	179/2019	4A(1a) & 4B of TN open Places (POD) Act, 1959	Villivakkam	Petty offence and closed by police
7	183/2019	3 of TN open Places (POD) Act, 1959	Villivakkam	Petty offence and closed by police
8	109/2021	Sections 380, 448, 506(1)	Villivakkam	Pending and



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<i>S.No</i>	<i>Crime No.</i>	<i>Offences Under Section</i>	<i>Police Station</i>	<i>Status</i>
		of IPC		falsely implicated without any preliminary enquiry as suggested by the concerned Magistrate who has given direction to register the case.

Therefore, his application for issuance of passport is rejected and he was also imposed penalty for suppressing the criminal cases pending against him. Thereafter, the petitioner applied for passport and stated that all the criminal cases were closed and quashed by this Court.

3. However, on perusal of the counter affidavit filed by the respondent revealed that the police verification report dated 27.07.2020, two criminal cases are pending against the petitioner. Therefore, as per the Gazette Notification issued by GSR 570(E) dated 25.08.1993 the applicant shall give undertaking in writing to the passport authority that he shall, if required by the court concerned, appear before it at any time during the



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continuanee in force of the passport so issued. Whereas, according to the petitioner, no case is pending as against the petitioner.

4. In view of the above, the respondent is directed to act upon the fresh police verification report and consider the application submitted by the petitioner on merits in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

21.06.2024

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
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To

The Regional Passport Officer,
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Old No.786, New No.158,
Anna Salai, Chennai-600 002.



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G.K.ILANTHIRAIYAN,J.

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