



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

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

W.P. No.10847 of 2024

Thengovan Rajendran

... Petitioner

Vs.

1. The Chief Passport Officer,
O/o. Chief Passport Officer,
Chennai.

2. The Regional Passport Officer,
Regional Passport Office,
Tiruchirapalli,
New Municipal Complex, Thillainagar 7th cross,
Tiruchirapalli – 620 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the second respondent to consider the petitioner explanation dated 28.03.2024 to issue passport in application in No. TR1076137138124 to renew the passport No. L9915072.

For Petitioner : Mr.B.Mohan

For R1 & R2 : Mrs.A.Anuradha
Central Government Standing Counsel

For R2 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The writ of mandamus has been instituted to direct the 2nd respondent to consider the petitioner's explanation dated 28.03.2024, to issue passport in Application No.TR1076137138124, to renew the Passport No.L9915072.

2. The petitioner submitted an application for renewal of Passport. The Regional Passport Officer on verification came to know about the registration of criminal cases against the petitioner. The petitioner has suppressed the fact regarding the pendency of criminal cases and failed to inform the same before the Regional Passport Officer. The petitioner admittedly in para.12 of the affidavit filed in support of the present writ petitioner stated that the omission to disclose the pending criminal cases is neither willful nor wanton. Thus, the petitioner has admitted the fact that he had not disclosed the details regarding the criminal cases against him before the Regional Passport Officer. The Passport Officer came to know that nine criminal cases are registered against the petitioner and the details are as under:



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<i>S.No.</i>	<i>Police Station and Crime Number</i>	<i>Offences</i>	<i>Stage of the case</i>
1.	Kodavaasal P.S., Cr.No.100 of 2022	U/s 147, 448, 294(b), 324, 506(ii) of IPC r/w 109 of IPC	Under Investigation
2.	Kodavaasal P.S., Cr.No.28 of 2018	U/s 147, 148, 341, 324, 506 (ii) of IPC	Under Investigation
3.	Devakottai P.S., Cr.No.116 of 2013	U/s 147, 148, 341, 302 of IPC	Pending Trial
4.	CBCID – South, Tiruvarur Cr.No.13 of 2006	U/s 147, 148, 341, 302 of IPC	Pending Trial
5.	CBCID – South, Tiruvarur Cr.No.10 of 2007	U/s 147, 148, 323, 324 of IPC	Pending Trial
6.	CBCID – South, Tiruvarur Cr.No.11 of 2007	U/s 147, 148, 341, 452, 307 of IPC and TNPPDL Act	Pending Trial
7.	CBCID – South, Tiruvarur Cr.No.9 of 2007	U/s 147, 148, 506 (ii), 353 of IPC and TNPPDL Act	Pending Trial
8.	CBCID – South, Tiruvarur Cr.No.1 of 2007	Unknown	---
9.	CBCID – South, Tiruvarur – Cr.No.2 of 2007	Unknown	---

3. When nine criminal cases are pending against the writ petitioner, the petitioner is not entitled for the relief to secure the Passport. If at all the



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petitioner decide to travel abroad, he has to approach the competent Criminal Court for the purpose of seeking permission. However, in the present case, nine criminal cases are pending and the petitioner has not informed about the same to the Passport Officer. That being the fact, suspicious circumstances are unnecessarily created by the petitioner, so as to draw an inference that he has not approached the Authorities with clean hands.

4. Mr.S.Vinothkumar, learned Government Advocate (Criminal Side) would submit that many such writ petitions are filed before the High Court seeking issuance, re-issuance and renewal of passport without impleading the State Police Authorities.

5. The State Police Authorities are the competent Authorities to verify the pendency of the criminal cases and its details. In all such cases, the jurisdictional Police Authorities are to be impleaded as party respondent for the purpose of placing the entire facts before the Court. In the event of failure, there is a possibility of misrepresentation for securing relief from the hands of this Court. The said submission made by the learned Government Advocate (Crl.Side) is well found and it is to be followed hereinafter.



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6. In all cases, where the relief sought for is to consider the application to issue, re-issue or renewal of passport, the jurisdictional State Police Authorities are to be impleaded as respondents enabling them to place clear facts before this Court regarding character, antecedents and registration of criminal cases against the persons, who all are seeking the relief of issuance of passport. The Courts based on the affidavit filed by the petitioner, cannot grant the relief to issue passport. In such circumstances, pending criminal cases are unnoticed. The Authorities may not be in a position to apprehend the offenders. More-so, the passports cannot be obtained in this manner, since it has larger repercussions.

7. Therefore, the Registry, High Court of Madras has to ensure that whenever the relief of issuance, re-issuance and renewal of passport is sought for in a writ proceedings, the jurisdictional State Police Authorities must be impleaded as party respondent enabling them to verify the character, antecedents and registration of criminal cases against the persons and inform the Court for the purpose of disposal of the writ petition.



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8. In the present case, nine criminal cases are pending against the petitioner and he has suppressed the fact even before the Passport Officer. That being the factum, the relief as such sought for cannot be granted. Accordingly, this Writ Petition stands **dismissed** at the admission stage itself. No costs.

23.04.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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Note: Registry is directed to communicate a copy of this order to the Registrar (Judicial), High Court of Madras, Chennai – 600 104.

To

1. The Chief Passport Officer,
O/o. Chief Passport Officer,
Chennai.
2. The Regional Passport Officer,
Regional Passport Office,
Thiruchirapalli,
New Municipal Complex, Thillainagar 7th cross,

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S.M.SUBRAMANIAM,J.

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