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W.P.No.29491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.29491 of 2024

and

W.M.P.No.32143 of 2024

Manikandan S/o.Murugan
Passport No.L8011254
No.8, Orchard, Fairy Hill,
Monkstown, Co cork, Ireland.
Rep. by his Power Agent Mr.Murugnan,
No.129, Arul Nagar, 4th Street, Soorapet,
Chennai – 66.

... Petitioner

Vs.

1. Union of India,
Rep. by Principal Secretary,
Ministry of External Affairs,
South Block,
Secretariat,
Raisina Hill, New Delhi, India.
2. HOC & Second Secretary (Consular),
Embassy of India
No.69, Merrion Road,
Ballsbridge,
Dublin – 4, Ireland.
3. The Regional Passport Officer,
O/o. Regional Passport Office, Chennai,
Rayalas Tower 2 and 3, 4th Floor,



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Old No.185, New No.158, Anna Salai,
Triplicane, Chennai, Tamil Nadu, India.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to renew the petitioner's passport bearing No.L8011254 pursuant to his application ARN.No.24-2000046434, dated 12.01.2024 without reference to the pending Criminal Case in CC.No.219/2019, U/s.494, 498(A),109, 406 of IPC, on the file of Judicial Magistrate, Ambattur, Chennai, Tamil Nadu.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.K.Gangadaran

ORDER

The petitioner has filed this petition seeking to direct the respondents to renew the petitioner's passport bearing No.L8011254 pursuant to his application ARN.No.24-2000046434, dated 12.01.2024 without reference to the pending Criminal Case in CC.No.219/2019, U/s.494, 498(A),109, 406 of IPC, on the file of Judicial Magistrate, Ambattur, Chennai, Tamil Nadu.

2. The case of the petitioner is that he married one Sundarameenakshi @ Aarti in the year 2013, but their marriage was dissolved by divorce decree



in the year 2016. He then remarried one Thaara Devi in the year 2018 and has two sons with her in Ireland. However, the petitioner's first wife obtained an ex-parte order setting aside the divorce decree and filed a false complaint alleging the petitioner's second marriage was during their subsisting marriage. An FIR was registered in Crime No.12 of 2018, and a charge sheet has been filed in C.C.No.129 of 2019 under Sections 494, 498(A), 406, and 409 of IPC. The petitioner is residing in Ireland since 2018 and applied for renewal of passport on 12.01.2024, but the same was rejected by the second respondent vide letter dated 15.02.2024 due to the pending criminal case. Despite providing an undertaking on 07.03.2024, the renewal was denied. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that without affording any opportunity of the petitioner, the second respondent refused to renew the passport in favour of the petitioner citing the criminal case pending against him, which is in gross violation of the principles of natural justice. He further submits that mere pendency of FIR cannot be a ground to renew the petitioner's passport. Since the petitioner is in Ireland,



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this Court may issue a direction to the respondents to consider his representation dated 12.01.2024 seeking renewal of Passport enabling him to participate in the criminal case foisted against him.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials placed on record.

5. In view of the limited request sought for by the petitioner, this Court without going into the merits of the case, directs the respondents to consider the petitioner's application dated 12.01.2024 as per the existing guidelines and pass appropriate orders within the time frame that may be stipulated by this Court on merits and in accordance with law and after affording an opportunity of hearing to the petitioner as well as the aggrieved persons if any within a period of two (2) weeks from the date of receipt of a copy of this order.

6. With the above observation and direction, this Writ Petition is



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disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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RAP

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

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2. HOC & Second Secretary (Consular),
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M.DHANDAPANI.J.,

RAP

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