



WEB COPY



W.P.No.28525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28525 of 2024

Jeevanandam Rajesh

...Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office, Chennai
Royala Towers No.2 & 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai – 600 002, Tamil Nadu.
2. The Inspector of Police,
E-1 Police Station
Mylapore, Chennai – 4.
3. The Head of Branch,
CBI/BSFB, 36, Bellary Road,
2nd Floor, CBI Complex,
Bangalore – 560 032.
4. The Head of Branch,
CBI/ACB, 3rd Floor, Sastri Bhavan,
26, Haddows Road, Nungambakkam,
Chennai – 600 006.

...Respondents

(R3 & R4 impleaded, vide order dated 18.10.2024 in W.P.No.28525 of 2024)



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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, to direct the 1st respondent to consider and pass orders on the online Application bearing Application Reference No.23-1009997721 dated 10.08.2023 and file number MA2075682557123 filed by the petitioner for re-issue of Passport bearing number K5962639 and direct re-issue/renewal of the petitioner's passport for a period of 10 years as per Rule 12(1) of the Passport Rules, 1980.

For Petitioner : Mr.Sankara Narayanan, Senior Counsel
for Mr.Arjun Suresh

For Respondents : Dr.D.Simon, for R1
: Mr.L.Baskaran, GA(Crl. Side), for R2
: Mr.Srinivasan, Spl.PP, for R3 & R4

ORDER

The petitioner has filed this Writ petition seeking direction to the 1st respondent to consider the petitioner's on-line Application bearing Application Reference No.23-1009997721 dated 10.08.2023 and file number MA2075682557123 seeking re-issue of Passport bearing number K5962639 and to consequently re-issue/renewal the petitioner's passport.

2. The case of the petitioner is that he obtained passport bearing No.K5962639 on 25.10.2012 and the same was valid upto 24.10.2022. Thereby, on 10.08.2023, the petitioner made application for re-issuance of



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passport, however, the petitioner's application was kept pending on the ground that, a Look out Circular (in short 'LoC') was issued against the petitioner and the same is pending and there are also some other criminal cases pending against the petitioner. Hence, this Writ petition.

3. Learned counsel for the petitioner submitted that, the issue involved in the present writ petition is no longer *res integra* and the same has already been decided by the Hon'ble Division Bench of this Court in ***W.A.No.902 of 2023 dated 02.06.2023***, wherein, this Court has held that, mere pendency of criminal case against the applicant will not be a bar for consideration of his/her application for renewal of passport. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned counsel appearing on behalf of the 1st respondent submitted that, Section 6 of the Passport Act, 1967 clearly states that, when a criminal case is pending against the applicant, he/she is not entitled for renewal of passport and in the present case, there are several criminal cases pending against the petitioner and thereby, the petitioner's



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application seeking renewal/re-issuance of passport in his favour was not considered by the 1st respondent and the same cannot be said to be erroneous.

Accordingly, he prayed for dismissal of this writ petition.

5. On the above said contentions, heard learned counsel appearing on behalf of the respondents 2 to 4 respectively and perused the materials available on record.

6. Though very many grounds have been raised by the learned counsel on either side, however, as rightly pointed out by the learned counsel for the petitioner, the Division Bench of this Court, in a similar matter had followed the decision of the Bombay High Court in the case of *Abbas Hatimbhai Kagalwala Vs. State of Maharashtra and another, 2022 SCC Online Bom 1992*, and had directed the passport authorities to process the application for renewal of passport by holding that, no person can be deprived of their rights for renewal of passport merely on the ground that a criminal case is pending against the said person.



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7. In view of the above decision, this Court directs the 1st respondent to process the petitioner's application dated 10.08.2023 bearing reference No.23-1009997721 and file No.MA2075682557123 and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order, without insisting for necessary permission from the Court and after affording an opportunity of hearing to the petitioner. However, it is made clear that, if the petitioner wants to travel abroad, he has to obtain necessary permission from the Court where the criminal case is pending or from this Court.

8. With the above directions, this Writ Petition stands disposed of. No costs.

23.10.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No



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To:

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M.DHANDAPANI, J.

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