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Writ Petition Nos.28195 and 28197 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition Nos.28195 and 28197 of 2024

Kamalam Rajan

... Petitioner in W.P.No.28195 of
2024

Rajan Duraisamy

... Petitioner in W.P.No.28197 of
2024

Vs.

1. The Regional Passport Officer,
Coimbatore, First Floor,
Corporation Commercial Complex,
Opp. Thandumariyamman Koil,
Avinashi Road,
Coimbatore – 641 018.

2. The State Represented by
Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
(Crime No.817 of 2020)

... Respondents in both W.P.s

COMMON PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the letter dated 31.07.2024 passed by the 1st respondent made in File Nos.CB21C5004892521 and CB21C5004916521 in Letter Ref Nos.REM/318768903/24 and EM/318768905/24 quash the same and consequently direct the 1st respondent to return the petitioners passports



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bearing No.U8467239 and Z6183759 issued to the petitioners within the stipulated time by considering the petitioners reply dated 29.06.2024.

In both W.P.s

For Petitioners : M/s.A.Thiyagarajan

For Respondents : Mrs.R.Durga Rani for R1

Mr.L.Baskaran, GA for R2

COMMON ORDER

The petitioners have filed these petitions seeking to quash the letter dated 31.07.2024 passed by the first respondent and to consequently direct the first respondent to return the petitioners passports within the stipulated time by considering the petitioners reply dated 29.06.2024.

2. The case of the petitioners is that the petitioners are husband and wife. As a property dispute between brother-in-law of the petitioner in W.P.No.28195 of 2024 led to false complaints against the petitioners in crime Nos.817 of 2020, 830 of 2020 and subsequent quash petitions in CrI.O.P.No.22245 of 2023 and CrI.O.P.No.31060 of 2022. Despite Court orders quashing C.C.No.241 of 2022 and granting interim stays, the first respondent refused to return the petitioners passport, citing pending FIRs.



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After receipt of the petitioners' representation for return of passport, the first respondent has sent a letter dated 09.07.2024 seeking clarification in respect of the pending criminal cases. However, without considering the petitioners representation, the first respondent has issued another notice dated 31.07.2024 to the petitioners as a reminder for non-response to the notification for passport application Nos.CB21C5004892521 and CB21C5004916521. Challenging the same, the present writ petitions have been filed.

3. Though very many grounds have been raised in this Writ Petition, the learned counsel for the petitioners submitted that, admittedly, the petitioners surrendered their passports before the first respondent. Seeking to return the petitioners passports, they made a representation dated 29.06.2024 before the first respondent and the same was rejected citing the pending FIRs against them. In the meantime, the first respondent issued the impugned order dated 31.07.2024 seeking clarification in respect of the pending criminal cases. Though the petitioners have filed the present writ petition seeking to quash the impugned order, however, at the time of arguments the learned



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counsel for the petitioners restricted his prayer and sought permission of this

Court to permit the petitioners to make a reply to the first respondent with regard to the impugned notice and upon such reply being made by the petitioners, the first respondent may be directed to pass appropriate orders within the time frame that may be stipulated by this Court.

4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. In view of the limited relief sought for by the petitioners, this Court without going into the merits of the case, directs the petitioners to make a reply before the first respondent with regard to the pending Criminal cases within a period of two (2) weeks from the date of receipt of a copy of this order and upon receipt of the said reply, the first respondent is directed to consider the petitioners reply and pass appropriate order on merits and in accordance with law, after affording an opportunity of hearing to the petitioners as well as aggrieved persons if any, within a period of four (4) thereafter.



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6. With the above observation and direction, these Writ Petitions are disposed of. No costs.

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RAP

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

To:

1. The Regional Passport Officer,
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M.DHANDAPANI,J.

RAP

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