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W.P.No.28987 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.28987 of 2024
and
W.M.P.No.31642 of 2024

Selvakumar

... Petitioner

Vs.

1. The Passport Officer,
Regional Passport Office,
Tiruchirappalli,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli.
2. The Superintendent of Police,
Perambalur District.
3. The State rep. by
Inspector of Police,
Perambalur Police Station,
Perambalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for records relating to the closure notification issued by the 1st respondent in File No.TR5076358362124 dated 24.07.2024 and quash the same.



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For Petitioner : Mr.R.Gokulakrishnan
For Respondents : Mr.L.Baskaran, GA for R2 and R3
Mr.R.Sidharth for R1

ORDER

The petitioner has filed this petition seeking to quash the closure notification issued by the first respondent in File No.TR5076358362124 dated 24.07.2024.

2. The case of the petitioner is that he applied for re-issuance of passport on 02.05.2024. The first respondent issued a summon to the petitioner for re-issuance of a passport based upon the adverse report of the Inspector of Police, Perambalur. The first respondent called the petitioner to explain about the adverse report filed by the third respondent. However, without affording any opportunity to the petitioner, the first respondent rejected the petitioner's application seeking re-issuance of passport vide proceedings dated 24.07.2024. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that without



affording any opportunity to the petitioner, the second respondent refused to reissue 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 re-issue/renew the petitioner's passport. Hence, this Court may set aside the proceedings of the first respondent dated 24.07.2024 in the manner known to law.

4. Heard the learned Government Advocate appearing for the respondents 2 and 3 and the learned counsel appearing for the first respondent and perused the materials placed on record.

5. Though very many grounds have been raised by the learned counsel on either side, however, no person can be deprived of their rights for renewal/re-issuance of passport merely on the ground that a criminal case is pending against the said person. Accordingly, the impugned order dated 24.07.2024 passed by the first respondent is set aside and the first respondent is directed to consider the petitioner's representation afresh and re-issue his passport as per the existing guidelines within a period of two (2) weeks from



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the date of receipt of a copy of this order.

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6. With the above observation and direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.10.2024

RAP

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

To

1. The Passport Officer,
Regional Passport Office,

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Tiruchirappalli,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli.

2. The Superintendent of Police,
Perambalur District.
3. The State rep. by
Inspector of Police,
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M.DHANDAPANI.J.,

RAP



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