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W.P.No.29259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29259 of 2023

Rahamath Ali

.. Petitioner

VS

1.The Union of India

Rep. by its Principal Secretary,
Ministry of External Affairs,
Union of India, E-Block,
Central Secretariat, New Delhi.

2.The Union of India

Rep. by its Principal Secretary,
Ministry of Overseas Indian Affairs,
Akbar Bhavan, Chanakyapuri,
New Delhi - 110 021.

3.The High Commission of India

Brunei Darussalam,
Baitussyifaa,
Simpang - 40 - 22, Jalan ungai Akar,
Bandar Seri Begawan BC 3915,
Brunei Darussalam

(R3 amended vide order dated 18.10.2023
in WMP No.29260/23)

4.The Registration and Passport Officer,

Office of the Regional Passport Office,
Municipal Water Tank Building
Trichirapalli - 620 008.

5.The Inspector of Police,

Seerkazhi, Mayiladuthurai District

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the third respondent



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to issue the Jumbo Passport in respect of Passport No. Z5670983 to the petitioner Mr. Rahamath Ali.

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For Petitioner : Mr.B.Mahendra Naidu

For Respondents : Ms.V.Sudha, CGC
for R1, R2 & R4
Mr.R.Kishore Kumar,
Government Advocate
for R5
No appearance for R3

ORDER

Heard Mr.B.Mahendra Naidu, for the petitioner; Ms.V.Sudha, learned Central Government Counsel for R1, R2 & R4; Mr.R.Kishore Kumar, learned Government Advocate for R5. There is no representation for R3.

2. The petitioner is based in Brunei from May, 2023 till date and has filed this writ petition through his cousin / friend. He claims to be a permanent resident of Mayiladuthurai holding passport No. Z5670983, with validity till 18.03.2029. He has applied for a Jumbo Passport before the High Commission of India, on 01.06.2023.

3. His application was sent for police verification to the Superintendent of Police, Mayiladuthurai District and the report that was issued was adverse, revealing that the petitioner was involved in a road accident near Sirkali around 21 hours on 15.05.2023. A case was registered in Crime No. 272 of 2023 before the Sirkali



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Police Station.

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4. Mr.R.Kishore Kumar, learned Government Advocate, confirms that charge-sheet has been laid in the matter on 02.08.2023.

5. The petitioner has been in receipt of notices from R4 intimating him of the adverse police verification and enquiry about the status of the criminal case as well as steps taken for resolution of the same. Admittedly, the petitioner has not replied to the notices received and has, instead filed this writ petition. In fact, the petitioner has not thought it fit to even file a copy of email dated 17.10.2023 from the respondent calling for his explanation within three days.

6. Learned Central Government Counsel for R4 points out that a cryptic reply has been filed by the petitioner where he has only cited pendency of the present writ petition.

7. In light of the aforesaid sequence of events where the application of the petitioner is under process and the ball now lies in the Court of the petitioner to respond to the communication sent by R4 and tender the explanation sought for, mandamus as sought for, cannot be issued and the prayer for the same is rejected.

8. The petitioner is at liberty, if he so wishes, to respond to the communication issued by R4. R4 while deciding the application



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filed for issuance of jumbo passport will take note of the settled position in law to the effect that mere pendency of an FIR and charge-sheet will not stand in the way of issuance / renewal of passport as held by the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation (Criminal Appeal No.1342 of 2017 dated 27.09.2021)*.

9. This position has been consistently followed in several matters, such as *Suresh V. Regional Passport Officer (W.P.No.30019 of 2023 order dated 17.11.2023)* and *Nedumaran Palaniappan V. Regional Passport Officer (W.P.No.28448 of 2023 order dated 24.11.2023)*. Let the needful be done within a period of four weeks from date of receipt of a copy of this order.

10. This writ petition stands disposed in terms of this order.

No costs.

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Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Principal Secretary,
The Union of India
Ministry of External Affairs,
Union of India, E-Block,
Central Secretariat,
New Delhi.



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2.The Principal Secretary,
Ministry of Overseas Indian Affairs,
Akbar Bhavan, Chanakyapuri,
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Baitussyifaa, Simpang - 40 - 22, Jalan ungai Akar,
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Brunei Darussalam.

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