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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.28417 of 2024
and WMP.No.30984 & 30986 of 2024**

Mallika Jayakumaran

.. Petitioner

Vs.

1. Regional Passport Officer,
Trichy-18.

2. The Superintendent of Police,
Tiruvarur District.

3. The Inspector of Police,
Mannargudi Town Police Station,
Mannargudi, Tiruvarur District.

..Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the records relating to the impugned order issued by the first respondent in File No.TR1076652165524 dated 12.08.2024 and to quash the same.

For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.K.Ramamoorthi R1
Mr.L.Baskaran, GA RR2 & 3

ORDER

This Petition has been filed seeking to quash the impugned order issued by the first respondent in File No.TR1076652165524 dated



12.08.2024

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2. It is the case of the petitioner that she is the permanent resident of Tiruvarur and she has two children and her daughter has moved to USA with her husband. The petitioner had applied for renewal of passport which is going to expire on 23.04.2024, before the first respondent along with all the necessary documents. On verification, the respondents have rejected her application as a criminal case has been registered against the petitioner (A6) in Cr.No.342/2023 and passed the present impugned order. Challenging the said order, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that the petitioner is being a lady, aged about 62 years and their daughter has settled in USA. For the purpose of visiting her daughter, she has already obtained a passport. Except the said criminal case, no other case is pending against the petitioner. Due to fencing dispute between the petitioner and her neighbour, a criminal case has been registered against the petitioner and her family members. The petitioner is arrayed as A6 in the said case and filed charge sheet. However, it is only a petty case and



there is no heinous offence against her.

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4. The learned Standing Counsel for the first respondent submitted that the petitioner has not mentioned the criminal case which was pending against her in the renewal application form. Thereby the present show cause notice has been issued. The petitioner has to canvass all the point only before the passport authorities not before this Court by filing the present writ petition.

5. Heard the learned counsel for the petitioner and the learned Government Counsel and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner was issued passport in the year 2014 and the same has been expired in the year 2024. Prior to the expiry of the passport, the petitioner made application for renewal of passport. Upon police verification, it is came to know that a criminal case is pending against the petitioner.

7. This Court perused the criminal records. On perusal of the same it is seen that the defacto complainant one Karikalan who is neighbour of



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the petitioner, made a postal complaint to the Mannargudi police station, stating that there was a fencing dispute between the petitioner and the defacto complainant. Due to which, both the parties attacked with each other. The petitioner is arrayed as A6 and there is no serious allegation made against her. She was roped along with other family members, for which, the present show cause notice has been issued.

8. It is seen from the documents that the petitioner has not involved any heinous offence and there is no need for any cancellation of passport. Hence, this Court is inclined to set aside the impugned order.

9. Accordingly, this Writ Petition is allowed. No costs. If the petitioner is involved any other case, it is open to the respondents to issue show cause notice to the petitioner. Consequently, connected miscellaneous petitions are closed.

24.09.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



To

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Trichy-18.

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M.DHANDAPANI,J.

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