



WEB COPY



W.P.No.29736 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29736 of 2024

R.Amutha

.. Petitioner

Versus

1.The Regional Passport Officer
Regional Passport Office
New Municipality Complex
Thillainagar 7th Cross
Tiruchirapalli

2.The Inspector of Police
Lawspet Police Station
Puducherry

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to return the petitioner's passport bearing its No.Y7695315 issued on 06.12.2023 by considering the petitioner's representation dated 23.09.2024 submitted in this regard.

For Petitioner : Mr.R.Anand

For Respondents : Mrs.V.Sudha for R1
Central Government Standing Counsel

Mr.L.Baskaran for R2
Government Advocate (CrI.Side)



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ORDER

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2. It is the case of the writ petitioner that the petitioner is a native of Karaikal and the second respondent has registered a criminal case in Cr.No.35 of 2023 punishable for the offences under Section 420 read with 34 of IPC on the allegation that the petitioner along with her husband had received a sum of Rs.19 lakhs so as to arrange a job in France, but failed to do so. The petitioner was granted with anticipatory bail in CrI.O.P.No.5649 of 2023 on 31.03.2023 with a condition to deposit a sum of Rs.3 lakhs and surrendering passport of the petitioner and the condition was also complied. However, now, since her presence is required for the purpose of renewal of Residential Card in France, she filed a writ petition in W.P.No.34647 of 2023. This Court, by Order dated 12.01.2024 directed the Judicial Magistrate No.1, Puducherry to return the passport surrendered during execution of sureties. The staff of the Court by mistake, punched holes in two places of the passport and was declared as invalid



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by the first respondent. Hence, the petitioner applied for a fresh passport and passport was also issued. However, now the respondent forced the petitioner to surrender the passport and the petitioner has surrendered the passport. Hence, seeks for a direction to the respondent to return the passport by taking into consideration of the past conduct of the petitioner.

3. The learned counsel for first respondent submitted that in view of the pendency of the criminal case, the first respondent directed the petitioner to surrender the passport and now the passport is with the first respondent.

4. Heard both sides and perused the materials placed on record.

5. Considering the facts and circumstances of the case, this Court directs the petitioner to file appropriate application before the learned Judicial Magistrate No.1, Puducherry seeking for a direction for return of passport within a period of two weeks from the date of receipt of a copy of this Court and on filing of such application, the learned Judicial Magistrate No.1, Puducherry is directed to consider the application and pass appropriate orders within a period of four weeks thereafter.



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M.DHANDAPANI, J.

6. With the above directions, this writ petition stands disposed of. No costs.

15.10.2024

Internet: Yes/No

Index: Yes/No

dhk

To

1.The Regional Passport Officer
Regional Passport Office
New Municipality Complex
Thillainagar 7th Cross
Tiruchirapalli

2.The Inspector of Police
Lawspet Police Station
Puducherry
Netherlands

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