



W.P.No.32267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32267 of 2024

R.Karuppusamy

...Petitioner

Vs.

1. The Regional Passport Officer ,
Regional Passport Office,
Royal Tower Nos.2 and 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai, Tamil Nadu – 600 002.

2. The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam, Cuddalore District – 608 901.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider petitioner's representations made in the letter dated 31.07.2024 and to direct the 1st respondent to process petitioner's application made in file Number MA4076707896524 dated 02.07.2024, for renewal of passport in accordance with law.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.R.Siddharth, for R1
: Mr.L.Baskaran, GA(Crl. Side), for R2



W.P.No.32267 of 2024

WEB COPY

ORDER

The petitioner has filed this Writ petition seeking direction to the 1st respondent to consider petitioner's representation dated 31.07.2024 and to consequently, process petitioner's application seeking renewal of his passport in file No.MA4076707896524 dated 02.07.2024.

2. Mr.R.Siddharth, learned counsel takes notice on behalf of the 1st respondent, Mr.L.Baskaran, learned Government Advocate (Crl. Side) takes notice on behalf of the 2nd respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he obtained passport bearing No.N3304421 dated 23.09.2015 and as the same is going to expire on 22.09.2025, he submitted an online application dated 02.07.2024 bearing file No.MA4076707896524 dated 02.07.2024 for renewal of his passport. While so, the 1st respondent, instead of renewing the petitioner's passport, issued a



W.P.No.32267 of 2024

clarification letter bearing Ref.No.SCN/318490973/24 dated 16.07.2024, seeking explanation with regard to the criminal case pending against the petitioner in Cr.No.285 of 2024 for the offences under section 379 & 430 of IPC r/w. 21(1) of MM Act. Upon receipt of the said letter, the petitioner sent a detailed representation/explanation dated 31.07.2024 to the 1st respondent, which evoked no response. Hence, this Writ petition.

4. Learned counsel for the petitioner submitted that mere filing of FIRs and cases under investigation do not come under the purview of section 6(2)(f) and that criminal proceedings would only be considered pending against an applicant if case has been registered before any court of law and the court has taken cognizance of the same and in order to substantiate his claim, the learned counsel relied upon the Official Memorandum No.VI/401/1/5/2019 dated 10.10.2019 issued by the Ministry of External Affairs, prescribing guidelines for issuing passports to applicants, against whom criminal case are pending before a court of law, particularly paragraph 5(vi) of the said official Memorandum. Hence, he submitted that, it would suffice, if this Court issues direction to the 1st respondent to process the



W.P.No.32267 of 2024

petitioner's application dated 02.07.2024 bearing file

No.MA4076707896524, as expeditiously as possible, by considering the petitioner's explanation/representation dated 31.07.2024.

5. Learned counsel appearing for the 1st respondent submitted that, appropriate orders will be passed on the petitioner's application dated 02.07.2024 within the time stipulated by this Court.

6. On the above said contentions, heard learned Government Advocate (Crl. Side) appearing on behalf of the 2nd respondent and perused the materials placed on record.

7. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the 1st respondent to consider the petitioner's Application file No.MA4076707896524 dated 02.07.2024 along with his explanation/representation dated 31.07.2024 on merits and in accordance with law and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

Page No.4 of 6



W.P.No.32267 of 2024

WEB COPY

8. With the above directions, this Writ Petition stands disposed of. No costs.

29.10.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The Regional Passport Officer ,
Regional Passport Office,
Royal Tower Nos.2 and 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai, Tamil Nadu – 600 002.
2. The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam, Cuddalore District – 608 901.



WEB COPY



W.P.No.32267 of 2024

M.DHANDAPANI, J.

skt

W.P.No.32267 of 2024

29.10.2024

Page No.6 of 6