



WEB COPY

W.P.No.32976 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.32976 of 2023
and
W.M.P.No.32652 of 2023

R.Anandhan

.. Petitioner

VS

1.The Passport Officer,
Regional Passport Office,
Tiruchirappalli.
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli.

2.The Superintendent of Police,
Ariyalur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the entire records relating to the summon issued by 1st respondent in F.No.TR1075194781923 dated 12.04.2021 and quash the same.

For Petitioner : Mr.R.Gokulakrishnan

For Respondents : Mr.P.K.Ganesh CGSC for R1
No appearance for R2

ORDER

The petitioner has filed this writ petition challenging a notice issued by the first respondent / the Passport Officer, Regional Passport Office, Tiruchirappalli calling for his appearance with



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regard to issuance of passport on the ground of receiving adverse police verification report.

2. The petitioner was a holder of passport bearing No.H7296574. He claims that the passport had been misplaced and he thus applied for re-issuance of the same on 22.03.2023. In that application, the petitioner does not appear to have disclosed the pendency of a First Information Report in Crime No. 263 of 2018 for alleged offence under Sections 279 & 337 of IPC pending before Inspector of Police, Sendhurai Police Station.

3. The enquiry caused by the respondents on the application of the petitioner broughtout the pendency of the aforesaid FIR and, a show-cause notice had been issued calling for an explanation on 12.04.2023. It is as against the aforesaid notice dated 12.04.2023, that the present writ petition has been filed.

4. The petitioner would argue, relying on the decision of the Madhya Pradesh High Court in *Navin Kumar Sonkar v Union of India and others* (ILR 2018 MP 677) and the decision of Delhi High Court in *Manish Kumar Mittal v Chief Passport Officer and another* [2013 SCC Online Del 3007] that mere pendency of a criminal case cannot be invoked as a ground for action to impound the passport.

5. Mr.P.K.Ganesh, learned CGSC, who appears for R1 would only reiterate that the application filed by the petitioner had



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not been full and true and that there had been no disclosure of pendency of criminal case.

6. Having heard learned counsel, I am of the view that the instant writ petition is pre-mature apart from being misconceived.

7. In the counter affidavit filed by the Regional Passport Officer on 08.12.2023, they would reiterate the adverse police verification report as well as the fact that there have been no response from the petitioner to the communications from their office, for more than five months.

8. This Court is of the categoric view that it was incumbent upon the petitioner to have responded to the notice and tendered an explanation and it is inappropriate for the present writ petition to have been filed without extending any cooperation whatsoever to the authorities in the enquiry consequent upon the petitioner's application.

9. Thus, the petitioner is permitted to appear before R1 on any working day between 08.01.2024 and 12.01.2024 at 10.30 a.m. and put forth his submissions in response to the notices, including the impugned notice.

10. R1 will thereafter pass an order on the application of the petitioner for re-issue of passport, bearing in mind the settled



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position of law that mere pendency of a criminal case would not stand in the way of such reissuance. Reference may be had in this regard to the judgment of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation (Criminal Appeal No.1342 of 2017 dated 27.09.2021)*, as well as orders passed in the cases of *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)*). This exercise shall be completed as expeditiously as possible, in accordance with law.

11. This writ petition is disposed in terms of this order. No costs. Connected miscellaneous petition is closed.

02.01.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Passport Officer,
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New Municipal Complex,
Thillai Nagar 7th Cross,
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2.The Superintendent of Police,
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DR. ANITA SUMANTH,J.

ssm

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