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W.P.No.34640 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34640 of 2024

Raja Ramalingam

... Petitioner

VS.

1.The Regional Passport Officer,
Regional Passport Office,
Chennai Royala, Towers,
No.2 and 3, IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai-600002, Tamil Nadu.

2.The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to consider the petitioner's explanation dated 04.10.2024, delivered to the 1st Respondent on 14.10.2024 and drop all further proceedings to impound the petitioner's passport bearing NO.X6174301, dated 03.03.2023.

For Petitioner : Mr.K.R.Samratt
for M/s.A.M.Rahamath Ali



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For R1 : Mr.T.V.Krishnamachari
Senior Panel Counsel
- Central Government Counsel

For R2 : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner herein seeks a direction to the 1st respondent to consider his explanation dated 04.10.2024 submitted before the 1st respondent on 14.10.2024 in response to the show cause notice dated 28.06.2024 issued by the 1st respondent directing the petitioner to submit his explanation regarding the adverse police verification report.

2. It is the case of the petitioner that he applied for passport before the 1st respondent and passport was infact issued to the petitioner on 03.03.2023 bearing No.X6174301. Subsequently, on 28.06.2024, the 1st respondent issued a show cause notice to the petitioner calling for explanation with regard to the adverse police verification report. In response to the show cause notice issued by the 1st respondent, the petitioner submitted an explanation on 04.10.2024 stating that in all the cases pending on the file of



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the 2nd respondent, only investigation was pending and to the knowledge of the petitioner, no charge sheet has been filed. Even thereafter, the 1st respondent has not passed any orders considering the explanation offered by the petitioner. Therefore, the petitioner has come before this Court seeking above said relief.

3. Heard the learned counsel appearing for the petitioner, learned Senior Panel Counsel-Central Government Counsel appearing for the 1st respondent and learned Government Advocate (Crl.Side) appearing for the 2nd respondent.

4. The learned Government Advocate (Crl.Side) appearing for the 2nd respondent by taking this Court to the Status Report filed by the 2nd respondent dated 27.11.2024, submitted that three cases are pending on the file of the Kadampuliyur Police Station, Cuddalore District against the petitioner in Crime Nos.212/2018, 483/2018 and 203/2019. It is further stated by the learned Government Advocate (Crl.Side) that in respect of Crime Nos.483/2018 and 203/2019 are concerned, final report has already been filed before the jurisdictional Magistrate namely Judicial Magistrate-II,



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Panruti and the same has not been taken on file till date. In respect of Crime No.212/2018 is concerned, though charge sheet is already ready, the same is not filed before the jurisdictional Judicial Magistrate till date.

5. In view of the said statement made by the learned Government Advocate (Crl.Side) appearing for the 2nd respondent, it is clear no criminal proceeding are pending against the petitioner in a Criminal Court within the meaning of Section 6(2)(f) of the Passports Act, 1967. Therefore, the 1st respondent is directed to consider the explanation submitted by the petitioner dated 04.10.2024 and pass final orders on its own merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

27.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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