



W.P.No.34998 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34998 of 2024 and
WMP Nos.37951 and 37952 of 2024

Mrs.Priyanka

... Petitioner

Vs.

1. Union of India,
Represented by its Regional Passport Office,
Chennai Royala Towers, No.2 and 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai 600 002.

2. Inspector of Police, Intelligence/Passport Verification,
P6, Kodungaiyur Police Station,
Kaviarasu Kannadhasan Nagar,
Kodungaiyur, Chennai 600 118.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the show cause notice dated 06.11.2024 issued by the first respondent pertaining to file No.MA 1076810467324 and quash the same and direct the second respondent to conduct fresh



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enquiry after issuing advance notice date and time of their visit to the petitioner's house for verification.

For Petitioner : Mr.A.P.Surya Prakasam

For Respondents : Mr.M.Sathyan,

Additional Central Govt. Standing Counsel
for the first respondent

Mr.L.Baskaran,

Government Advocate (Crl.Side)

for the second respondent

ORDER

This writ petition is filed challenging the show cause notice issued by the first respondent dated 06.11.2024, directing the petitioner to submit his explanation regarding the adverse police report.

2. The learned counsel for the petitioner would submit that the petitioner married one Robinson, who is now at Canada and pursuing his higher studies. The petitioner is now living with her in-laws house at Door No.34/12, N.S.K.Salai, Kodungaiyur, Chennai 600 118. The petitioner applied for issuance of Passport and the same was also issued to the petitioner in passport bearing No.C0108831, dated 05.08.2024.



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Subsequent to the issuance of Passport, the petitioner received the impugned show cause notice from the first respondent, directing the petitioner to submit her explanation regarding the adverse police report.

3. The learned counsel for the petitioner would submit that in the said show cause notice, the first respondent directed the petitioner to submit a fresh application with correct particulars. Such direction issued by the first respondent, even without considering the explanation submitted by the petitioner, is not sustainable.

4. Mr.M.Sathyan, learned counsel, who takes notice for the first respondent would submit that the impugned order is only a show cause notice seeking explanation from the petitioner regarding adverse police report received and it is for the petitioner to submit her explanation in response to the show cause notice.

5. A reading of the impugned communication would indicate that it is only a show cause notice calling for explanation from the petitioner. Therefore, the petitioner is directed to submit her explanation to the



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first respondent, within a period of two weeks from the date of receipt of a copy of this order and the first respondent shall consider the explanation submitted by the petitioner and pass final order, on its own merits and in accordance with law, within a period of four weeks from the date of receipt of explanation, after affording reasonable opportunity to the petitioner. It is needless to say that the direction in the impugned show cause notice, directing the petitioner to submit fresh application with correct particulars, will not arise at this stage, unless the first respondent passes an order, after considering the explanation submitted by the petitioner.

6. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Connected WMP Nos.37951 and 37952 of 2024 are closed.

27.11.2024

Index:Yes/No
Internet:Yes/No
mst

To



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S.SOUNTHAR, J.

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