



W.P.No.35250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35250 of 2024

M.Gopal

... Petitioner

Vs.

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

2.State rep by The Inspector of Police,
Maharajakadai Police Station,
Krishnagiri.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the 1st respondent to re-issue the passport based on the application of the petitioner dated 02.08.2023 and the letter dated 12.02.2024 on the file of the 1st respondent herein.



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For Petitioner : Mr.S.Sadasharam
For Respondents : Mr.K.Subbu Ranga Bharathi,
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 seeking direction to the first respondent to re-issue the Passport of the petitioner by considering his application dated 02.08.2023.

2. It is the case of the petitioner that, he applied for re-issuance of Passport, by submitting an application dated 02.08.2023. The petitioner received a communication from the first respondent on 12.02.2024 seeking explanation from him regarding adverse police report received against him about the pendency of the Criminal case in C.C.No.362 of 2021 on the file of the Judicial Magistrate No.II, Krishnagiri.



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3. It is the further case of the petitioner that challenging the pendency of the above said criminal case in C.C.No.362/2021, the petitioner filed a quash petition in CrI.O.P.No.20729 of 2023 before this Court and obtained an order of stay of all further proceedings in C.C.No.362/2021. Therefore, it is submitted by the learned counsel for the petitioner that in view of stay order, it may not be possible for the petitioner to get any order from the Criminal Court seeking permission to go abroad and the said fact has not been properly appreciated by the first respondent.

4. Mr.K.Subbu Ranga Bharathi, learned Central Government Counsel takes notice for the first respondent; and Mr.L.Baskaran, learned Government Advocate (CrI.Side) takes notice for the second respondent.

5. Mr.K.Subbu Ranga Bharathi, who takes notice for the first respondent would submit that the first respondent has issued only a show cause notice on 12.02.2024 calling upon the petitioner to give explanation with regard to the adverse police report regarding the



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pendency of criminal case. In fact, in the said communication, the first respondent has also directed the petitioner to produce either acquittal order or permission from the concern Court for going abroad.

6. In view of the fact that the further proceedings of the criminal case in C.C.No.362 of 2021 was already stayed by this court, vide order in CrI.O.P.No.20729 of 2023, dated 20.09.2023, it may not be possible for the petitioner to move the concerned court and obtain any order. In such circumstances, it is for the petitioner to bring it to the notice of the first respondent regarding the stay order passed by this Court in respect of the criminal proceedings.

7. In view of the same, the petitioner is directed to submit his explanation to the show cause notice issued by the first respondent, dated 12.02.2024, disclosing the order passed by this court, staying the criminal proceedings, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation from the petitioner, the first respondent shall consider the same in the light of the stay order passed by this court and pass final order on merits in the



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application submitted by the petitioner for re-issuance of Passport, within a period of four weeks from the date of receipt of explanation.

8. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

27.11.2024

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The Regional Passport Officer,
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Anna Salai, Chennai 600 002.
- 2.The Inspector of Police,
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S.SOUNTHAR, J.

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