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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.01.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.35930 & 36233 of 2023

Premalatha

.... Petitioner in WP.No.35930 of 2023

Sadasivam

.... Petitioner in WP.No.36233 of 2023

Vs

The Government of India,
Ministry of External Affairs,
Rep by The Regional Passport Officer,
Regional Passport office, Coimbatore
1st Floor, Corporation commercial complex,
Opp. Thandu Mari Amman Kovil,
Avinashi Road, Coimbatore,
Tamil Nadu 641 018.

.... Respondent in both WPs

PRAYER in WP.35930 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to renew the petitioner's passport No.M0450695 and Re-issue the Passport to the petitioner as applied for.

PRAYER in WP.36233 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the



Respondent to renew the petitioner's passport No.Z2910332 and Re-issue the Passport to the petitioner as applied for.

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For Petitioner : Mr.G.Mohana Krishnan
(in both WPs)
For Respondent : Ms.A.Anuradha
Central Government Standing Counsel
(in WP.35930/2023)
: Ms.P.J.Anitha
Central Government Standing Counsel
(in WP.36233/2023)

COMMON ORDER

Ms.A.Anuradha and Ms.P.J.Anitha, learned Central Government Standing Counsels accept notice for the respondent in the respective Writ Petition and are armed with instructions to enable final disposal of these Writ Petitions, even at the stage of admission.

2. The petitioners are husband and wife. They are holding passports bearing Nos. M0450695 (W.P.No.35930 of 2023) and Z2910332 (W.P.No.36233 of 2023), which are due to expire on 30.07.2024 and 09.07.2024 respectively. They thus sought renewal of the same.

3. Pending applications, the petitioner in W.P.No.35930 of 2023 has received a communication dated 15.09.2023 to the effect that two criminal cases are pending against her in Cr.No.20 of 2021 under Section 420 of the Indian



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Penal Code on the file of the Tirunelveli City CCB Police Station and in Cr.No.15 of 2021 under Section 406 and 420 of IPC on the file of Coimbatore DCB Police Station and the petitioner in W.P.No.36233 of 2023 has received a communication dated 11.09.2023 to the effect that a criminal case is pending against him in Cr.No.20 of 2021 under Section 420 of the Indian Penal Code on the file of the Tirunelveli City CCB Police Station.

4. According to the petitioners, they have no idea about the pendency of the police complaints. At paragraph 4 of the writ affidavits, they have averred that upon enquiry, they come to know that the complaint in Cr.No.20 of 2021 has been given by one Raja, whose identity they are wholly unaware of. They thus seek a mandamus directing the respondent to renew their passport and re-issue the same per their application.

5. In light of the fact that the respondent has issued a notice calling for their appearance and explanation in regard to the pending criminal complaints, I am of the categorical view that the notices cannot be ignored/bypassed by way of Writ Petitions. Thus, mandamus, as sought for is not liable to be issued and I reject the same.

6. The petitioners are permitted to appear before the respondent on any working day between 08.01.2024 and 12.01.2024 at 10.30 a.m. without



expecting any further notice in this regard in response to the communication received from the respondent.

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7. After hearing the petitioners and considering their explanation and representation, the respondent will take a call on their application for re-issue of passport in light of the settled position of law that mere pendency of a criminal case against the applicant shall not stand as a bar for issuance/re-issuance of passport.(See *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.

8. This writ petition is disposed in terms of this order. No costs.

04.01.2024

Index : Yes/No

Speaking Order:Yes

Neutral Citation:Yes

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To
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DR.ANITA SUMANTH, J.

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