



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.01.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.19 of 2024

Sultan Allawudeen

.... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport office,
Royala Towers, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai – 600 002.

2. The Inspector of Police,
E-2 Royapettah Police Station,
Chennai.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st Respondent to renew the petitioner's passport based on the representation dated 30.10.2023 in accordance with law within the stipulated time limit.



For Petitioner : Mr.G.Gautam

For Respondents : Mr.R.Subramanian
Additional Central Government Standing Counsel – R1
Mr.R.Kishore Kumar
Government Advocate - R2

ORDER

Mr.R.Subramanian, learned Additional Central Government Standing Counsel accepts notice for the first respondent/Regional Passport Officer and Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R2/Inspector of Police, E2 Royapettah Police Station, Chennai and both are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner is holding passport bearing No.G6600268 with a validity of 10 years, i.e., till 11.12.2017. He had applied for re-issuance of the same in 2020, which application came to be rejected on account of the pendency of a criminal case in C.C.No.5311 of 2017 before the XVIII Metropolitan Magistrate, Saidapet, Chennai. The petitioner states that he had been acquitted in the matter on 16.12.2022. Anticipating that, he had sought re-issuance of passport yet again on 13.10.2022.

3. The petitioner had been asked to appear for an enquiry in connection with this allegation. The petitioner had received notices dated 12.12.2022 and



09.03.2023 from R1 asking him to appear before the Passport Seva Kendra (PSK) Saligramam.

WEB COPY

4. In these notices, R1 states categorically that certain documents are awaited from the petitioner and that he had been intimated about the documents to be supplied in the course of the petitioner's visit to the PSK, Saligramam on 04.01.2023.

5. Learned counsel for the petitioner would also accede to the position that the petitioner had, indeed, visited the PSK, Saligramam on 13.10.2022 and 04.01.2023, where he was intimated about the delay in receipt of documents to be produced by him.

6. In respect of the pendency of FIR in Crime No.82 of 2017 pending before E2 Royapettah Police Station, the petitioner avers that he has made a copy application before Metropolitan Magistrate, Saidapet to procure a copy of the FIR in Crime No.82 of 2017 and has been intimated that no charge sheet has been filed till date in that matter.

7. It is in these circumstances, that he seeks a mandamus directing R1 to renew his passport based on his representation dated 30.10.2023.



WEB COPY

8. Having heard learned counsel, I am of the categorical view that mandamus as sought for cannot be issued. It is for the petitioner to appear in response to the several notices that are being issued by R1 and put forth his case.

9. The petitioner is granted liberty to appear before the first respondent on any working day between 10.01.2024 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 first respondent.

10. After hearing the petitioner and considering his explanation and representation, the respondent will take a call on his application for re-issue of passport as well as contained in his representation dated 30.10.2023, 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.

11. Reference may be made in this regard to the judgment 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 within a period of two weeks from date of receipt of a copy of this order, in accordance with law.

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

08.01.2024

Index : Yes/No

Speaking Order: Yes

Neutral Citation: Yes

sl

Note: Registry is directed to upload this order today.

To

1. The Regional Passport Officer,
Regional Passport office,
Royala Towers, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai – 600 002.
2. The Inspector of Police,
E-2 Royapettah Police Station,
Chennai.



WEB COPY

W.P.No.19 of



DR.ANITA SUMANTH, J.

sl

W.P.No.19 of 2024

08.01.2024