



WP(MD)Nos.4312, 11400 and 23145 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

**WP (MD) Nos.4312, 11400 and
23145 of 2017**

and

**WMP (MD) Nos.3463,8780,19724
and 19458 of 2017**

Jenifa Rani

... Petitioner in
WP (MD) Nos.4312 & 11400 of 2017

Vs

1.The Regional Passport Officer,
Regional Passport Office,
New Delhi.

2.The Passport Officer,
Passport Office,
Kochadai, Madurai.

3.The Deputy Passport Officer,
Passport Office,
Kochadai, Madurai.

4.The Assistant Passport Officer,
Passport Office,
Kochadai, Madurai.

5.The Superintendent,
Passport Office,
Kochadai, Madurai.

... Respondents 1 to 5 in
WP (MD) Nos.4312 & 11400 of 2017

6.Balakrishnan



WEB COPY

7.Jeyarani

6.Sivasankar

WP(MD)Nos.4312, 11400 and 23145 of 2017

... Respondent 6 and 7
in WP(MD)No.4312 of 2017

... Respondent 6 in
WP(MD)No.11400 of 2017

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 5 to impound the passports of the respondents 6 and 7 bearing passport Nos.K4025724, K4025738 and N.9602752 on the basis of the petitioner's representation dated 07.03.2017 and 14.06.2017.

For Petitioner : Mr.R.Manoharan
in both cases

For Respondent : Mr.K.R.Laxman
Nos.1 to 5 Central Govt.Sr Panel Counsel
in WP(MD)No.4312 of 2017
: Mr.S.Jeyasingh
Central Govt.Standing Counsel

For Respondent : No representation
Nos.6 and 7

WP(MD)No.23145 of 2017

B.Siva Shangar

... Petitioner

VS



WP(MD)Nos.4312, 11400 and 23145 of 2017

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai.

2.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records relating to the impugned order dated 31.10.2017 issued by the 1st respondent impounding the passport of the petitioner bearing number N9602752 and quash the same illegal.

For Petitioner : Mr.Chamundi Bose
in both cases

For Respondent : Mr.S.Jeyasingh,
No.1 Central Govt.Sr Panel Counsel

For Respondent : Mr.M.Vaikkam Karunanithi
No.2 Government Advocate (CrIside)

ORDER

The petitioner in WP(MD)Nos.4312 and 11400 of 2017 is the defacto complainant in Crime No.24 of 2016 on the file of the All Women Police Station, Tallakulam. The case is



WP(MD)Nos.4312, 11400 and 23145 of 2017

registered as against one Sivasankar, Balakrishnan, Jeyarani, Dyna Balakrishnan under Section 498(A), 294(b), 506(4) and 109 IPC and the final report has already been filed and the same is pending on the file of the Additional Mahila Court, Madurai in CC.No.12 of 2017.

3.The petitioner with a grievance that her husband Sivasankar / accused No.1 and her in-laws accused Nos.2 and 3 are evading the proceedings in CC.No.12 of 2017 and therefore, she filed the above writ petitions for a writ of mandamus directing the respondent to impound the passport of the accused in CC.No.12 of 2017.

4.The writ petition in WP(MD)No.23145 of 2017 is filed by husband Sivashangar as against the show cause notice issued by the Regional Passport Authority calling for his explanation in respect of the criminal case pending against him.



WP(MD)Nos.4312, 11400 and 23145 of 2017

5.The learned Counsel for the petitioner defacto complainant submits that the accused in CC.No.12 of 2017 are evading the proceedings and attempting to abscond from the process of law. Therefore, the petitioner has filed the present writ petitions for impounding their passports

6.There is no representation for the petitioner in WP(MD)No.23145 of 2017/ 5th respondent in WP(MD)No.11400 of 2017, respondent No.6 in WP(MD)No.11400 of 2017 and respondents 6 and 7 in WP(MD)No.4312 of 2017.

7.The learned Government Advocate (Cr1 Side) appearing for the respondent Police submits that the trial in CC.No.12 of 2017 is not yet commenced and it is posted for examination of PW1 to PW4 on 06.02.2024.

8.This Court considered the rival submissions made and perused the materials placed on record.



WP(MD)Nos.4312, 11400 and 23145 of 2017

9.The trial in CC.No.12 of 2017 on the file of the Additional Mahila Court, Madurai is not yet commenced. Therefore, the accused in CC.No.12 of 2017 shall satisfy the Court that they will be available for the trial. Accordingly, these writ petitions are disposed of with the following directions:-

i)The Passport Issuing Authority is bound to take action as against the private respondents as per Section 10(3)(e) of the Passport Act.

ii)The accused in CC.No.12 of 2017 shall file an affidavit of undertaking along with substantive sureties to ensure their availability for the trial, before the concerned Court where the case is pending. The Court, on satisfaction and after ensuring their availability for the trial, shall issue a No Objection Certificate to them.

iii) The petitioner in WP(MD)No.23145 of 2017, thereafter, shall file an affidavit under GSR.570(E) along with a No Objection Certificate obtained from



WP(MD)Nos.4312, 11400 and 23145 of 2017

the concerned Court before the Passport Authority.

On such presentation of the application, the Passport Authority shall consider the same as per the notification dated 10.10.2019. No costs. Consequently connected miscellaneous petitions are closed.

10.01.2024

Internet : Yes / No

DSK

To

- 1.The Regional Passport Officer,
Regional Passport Office,
New Delhi.
- 2.The Passport Officer,
Passport Office,
Kochadai, Madurai.
- 3.The Deputy Passport Officer,
Passport Office,
Kochadai, Madurai.
- 4.The Assistant Passport Officer,
Passport Office,
Kochadai, Madurai.
- 5.The Superintendent,
Passport Office,
Kochadai, Madurai.
- 6.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai.



WP(MD)Nos.4312, 11400 and 23145 of 2017

WEB COPY

7.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.



WEB COPY



WP(MD)Nos.4312, 11400 and 23145 of 2017

B . PUGALENDHI , J .

dsk

**WP (MD) Nos . 4312 , 11400 and
23145 of 2017**

10 . 01 . 2024