



W.P.(MD)No.30987 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.30987 of 2023

and

W.M.P.(MD)Nos.26570 and 26572 of 2023

Sakthinantha Kannan

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Government of India,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Senior Superintendent (Admin),
Regional Passport Office,
Ministry of External Affairs,
Government of India,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

3.The Inspector of Police,
Jetty Police Station,
Rameswaram,
Ramanathapuram District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order issued by the 1st Respondent signed by the 2nd Respondent in Policy Ref.No.2200975-POL-MDU File No.MD1068838757315 dated 14.03.2023 and quash the same as illegal and consequently directing the Respondents 1 and 2 to return the passport bearing No.P5471847 within the time stipulated by this Court.

For Petitioner : Mr.Kannan

For Respondents : Mr.V.B.Sundhareshwar for R1 & R2.
Mrs.M.Aasha,
Govt. Advocate (Crl. Side) for R3.

ORDER

The Petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order issued by the first Respondent signed by the second Respondent in Policy Ref.No.2200975-POL-MDU File No.MD1068838757315 dated 14.03.2023 and quash the same as illegal and consequently directing the Respondents 1 and 2 to return the passport bearing No.P5471847 within the time stipulated by this Court.



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2.The petitioner is having Indian passport. There was a civil dispute between the petitioner and one Bhuvaneswari, who is residing on the northern side of the petitioner's house. In this regard, Crime No.109 of 2022 was registered and the petitioner was arrested. He came out on bail vide order dated 10.10.2022 made in CrI.M.P.No.3086 of 2022 by the learned Principal District and Sessions Judge, Ramanathapuram. Thereafter, he went abroad. In the meanwhile, the case was charge sheeted and it was taken on file in S.C.No.125 of 2023 on the file of the Additional District Court (Mahila Court), Ramanathapuram. The passport authority issued notice to surrender his passport. When he arrived India on 03.06.2023, his passport was taken by the Airport authorities. Hence, the petitioner filed W.P.(MD)No.28358 of 2023 seeking return of the passport. When the writ petition was taken up for hearing on 03.06.2023, on the side of the first respondent, it was stated that the petitioner's passport was impounded on 14.03.2023. Based on the said submission, the said writ petition was dismissed with liberty to challenge the said order. Challenging the same, the present writ petition has been filed.

3.The respondents have filed counter affidavits. The learned Central Government Standing Counsel appearing for the respondents 1 and 2 and the learned Government Advocate (Crl. Side) appearing for the third respondent



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reiterated the averments set out therein. They submitted that the petitioner involved in three cases. While two cases are pending, one case is closed. The case registered in Crime No.69 of 2019 is charge sheeted and it is taken on file in S.C.No.51 of 2020 by the learned Judicial Magistrate, Rameswaram and in respect of Crime No.109 of 2022, final report has been filed and it is taken on file in S.C.No.125 of 2023 by the learned Mahila Court, Ramanathapuram. Crime No.74 of 2017 was closed because the petitioner admitted his guilt and paid the fine amount. Since the petitioner suppressed these facts, the passport authorities issued three show cause notices but there is no reply from the petitioner. Hence, the respondents left with no other option issued the look out circular and impounded the petitioner's passport. If the passport is returned to the petitioner, he will fly to abroad and the criminal proceedings will be stalled. Hence, they pressed for dismissal of the writ petition. If the petitioner obtains orders from the concerned Court to travel abroad, the authorities will abide by the same.

4.Heard, Mr.M.Kannan, learned counsel appearing for the petitioner, Mr.V.B.Sundhareshwar, learned Central Government Standing Counsel appearing for the respondents 1 and 2 and Mrs.M.Aasha, learned Government Advocate (Crl. Side) appearing for the third respondent.



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5. On going through the averments set out in the affidavit and the counter affidavits filed by the respondents, it is seen that the petitioner involved in three cases and he has approached this Court by suppressing those facts. Hence, this Court is not inclined to grant any relief to the petitioner. However, the petitioner is given liberty to approach the concerned Court where the petitioner's criminal case are pending to seek permission. If any such application is filed by the petitioner, the same shall be disposed of by the concerned Court as expeditiously as possible.

6. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

The Inspector of Police,
Jetty Police Station,
Rameswaram,
Ramanathapuram District.



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V.BHAVANI SUBBAROYAN, J.

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