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W.P.No.2732 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :31.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.2732 of 2025**

R.Bharath

... Petitioner

Vs.

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

2.The State Rep By The Inspector OF Police  
Bhuvanagiri Police Station, Cuddalore

... Respondents

**Prayer:** Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records of the entire proceedings culminating in the impugned objection notice bearing File No.MAH067050769524 dated 4.11.2024 issued to the petitioner by the 1st respondent quash the same and consequently direct the 1st respondent to issue the passport to the petitioner after considering his online application vide Application Reference (ARN)No.24-1012677549 dated 23.10.2024 within a time bound framed by this Honourable court.



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For Petitioner : Mr.V.Elangovan

For Respondents : Mr.L.Baskaran for R2  
Government Advocate (Crl.side)  
Mr.A.Veeramani for R1  
Central Government Counsel

**ORDER**

The writ petition is filed challenging the notice issued by the 1<sup>st</sup> respondent dated 04.11.2024 calling for explanation from the petitioner with regard to the adverse police report.

2. The petitioner applied for issuance of new passport before the 1<sup>st</sup> respondent. In response to the same, the 1<sup>st</sup> respondent issued the impugned notice directing the petitioner to explain the adverse police report received by him. Aggrieved by the same, the petitioner has come before this Court.

3. The learned Central Government Counsel for the 1<sup>st</sup> respondent submits that the impugned order is only a show cause notice to the petitioner calling for explanation and the petitioner is expected to submit his explanation regarding the adverse police report and it is not open to the petitioner to challenge the show cause notice.

4. The learned Government Advocate (Crl.side) for the 2<sup>nd</sup> respondent filed a status report wherein it is stated that a criminal case



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is pending investigation against the petitioner in Crime.No.9 of 2023 for the offences under Sections 143, 188 of IPC read with 151 Cr.P.C. It is also stated that investigation is completed and the charge sheet is yet to be filed before the concerned Magistrate Court.

5. In view of the status report filed by the 2<sup>nd</sup> respondent, it is clear that charge sheet has not been filed before the concerned Magistrate. Therefore, no criminal case is deemed to be pending against the petitioner before any Court in India within the meaning of Section 6(2)(f) of Passport Act. In such circumstances, there may not be any impediment for the 1<sup>st</sup> respondent to process the application submitted by the petitioner.

6. The impugned order is only a show cause notice. Therefore, it is for the petitioner to submit his explanation to the impugned show cause notice within a period of one week from the date of receipt of copy of this order. On receipt of the explanation, the 1<sup>st</sup> respondent shall consider the same and process the application for issuance of passport in accordance with law and pass final orders on its' own merits within a period of four weeks from the date of receipt of explanation from the petitioner.



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7. With the above directions, the writ petition stands disposed of.

**31.01.2025**

Index: Yes/No  
Internet: Yes/No  
nr

**To**

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2. The State Rep By The Inspector Of Police  
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**S.SOUNTHAR, J.**

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