



W.P.No.13189 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 15.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13189 of 2025

Radhakrishnan Madhavan M/40,
S/o.Radhakrisnan,
No.30/18, Corporation Colony,
2nd Street, Thiyagaraya Nagar,
Chennai District.

... Petitioner

/versus/

1. The Regional Passport Officer,
Regional Passport Office,
Chennai Royal Towers,
No.2 and 3, IV floor Old No.785, New No. 158,
Anna Salai,
Chennai-02.

2. The Inspector of Police,
J-2, Kanathur Police Station,
Chennai District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent not to impound the petitioner passport No.C1570259 on 29.08.2024 as per the Show cause Notice vide Ref.SCN/319524819/ 2024 dated 19.09.2024.



WEB COPY



W.P.No.13189 of 2025

For Petitioner : Mr.P.Muthamizh Selva Kumar.
For Respondents : Mr.S.Nelson, CGSC, for R1
: Dr.C.E.Pratap,
Government Advocate (Crl.Side), for R2

ORDER

This writ petition is filed to issue a writ of mandamus directing the 1st respondent not to impound the petitioner's passport No.C1570259 on 29.08.2024 as per the Show cause Notice vide Ref.SCN/319524819/2024, dated 19.09.2024.

2. Upon hearing the Learned Counsel for the petitioner, the grievance of the petitioner is that when the respondents received adverse police report that a criminal case is pending against the petitioner, the petitioner's file has been closed without issuing passport to the petitioner.

3. Per contra, the Learned Counsel appearing on behalf the first respondent would submit that apart from the reason of receiving the adverse police report, the matter was posted for the appearance of the petitioner and the petitioner did not appear before the first respondent and therefore, the application was



W.P.No.13189 of 2025

closed. He would submit that any direction can be given only with reference to a fresh application that can be made by the petitioner.

4. Dr.C.E.Pratap, the Learned Government Advocate (Crl.Side) for the second respondent would submit that a case is pending against the petitioner in C.C.No.63/2021 on the file of the Assistant Sessions Judge, Sub Court, Alandur.

5. The Learned Counsel for the 1st respondent would submit that in this case, the petitioner not only suppressed the material facts at the time of applying for passport but also did not turn up for enquiry when show cause notice was issued. Be that as it may, now since it is settled by the Division Bench of this Court in ***Regional Passport Officer vs. Samsudeen Mohamed Salih (W.A.No.902 of 2023)*** that merely for the pendency of the criminal case, the issuance of the passport itself need not be withheld. However, the petitioner concerned will take the permission of the Court before leaving abroad.

5. In view thereof, the prayer of the petitioner can be considered, *dehors* the pendency of the criminal case. However, for procedural requirements,



W.P.No.13189 of 2025

the petitioner can make a fresh application and the same will be considered by the respondents in a time bound manner and the passport shall be issued to the petitioner, if he is otherwise eligible, *dehors* the pendency of the said C.C.No.63 of 2021.

6. In view thereof, this writ petition is disposed on the following terms:

(i). The petitioner shall make a fresh application for issue of passport by duly disclosing the present number and also the order of this Court.

(ii) The said application shall be considered by the first respondent as expeditiously as possible and passport shall be issued to the petitioner, *dehors* the pendency of C.C.No.63 of 2021, if the petitioner is otherwise eligible.

(iii) The petitioner shall make an application within a period of two weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order and the application shall be considered in accordance with law and dispose of within eight weeks thereafter by the first



respondent.

WEB COPY



W.P.No.13189 of 2025

There shall be no order as to costs.

15.04.2025

Neutral citation:No.
bsm

To,
1. The Regional Passport Officer,
Regional Passport Office,
Chennai Royal Towers,
No.2 and 3, IV floor Old No.785, New No. 158,
Anna Salai,
Chennai-02.

2. The Inspector of Police,
J-2, Kanathur Police Station,
Chennai District.

3. The Government Pleader, High Court, Madras.
4. The Public Prosecutor, High Court, Madras.



WEB COPY



W.P.No.13189 of 2025

D.BHARATHA CHAKRAVARTHY,J.

bsm

W.P.No.13189 of 2025

15.04.2025