



W.P.No.31864 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31864 of 2023

Gowthaman

.. Petitioner

Versus

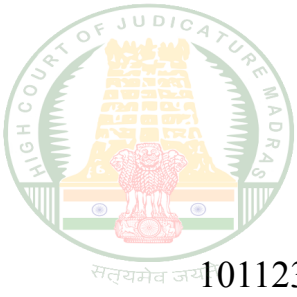
1. The Regional Passport Officer,
O/o. The Regional Passport Office,
Chennai Royala Towers No.2 and 3,
IV Floor, Old No.785, New No.158,
Anna Salai,
Chennai - 600 002.

2. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Periyamet, Chennai - 7.

.. Respondents

(R-2 suo motu impleaded vide order, dated 25.06.2024
made in W.P.No.31864 of 2023 in W.P.No.31864 of 2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Mandamus to renew/reissue petitioner's passport
bearing passport number G7897113 pursuant to his application ARN:22-



W.P.No.31864 of 2023

1011237169, dated 13.10.2022 pending in respondent's File No.MA1074671690322, by considering petitioner's representation, dated 12.10.2023.

For Petitioner : Mr.R.Prabhakaran

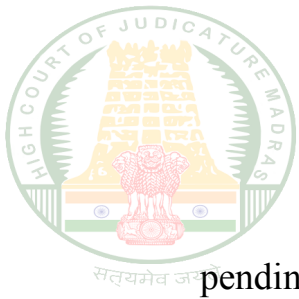
For Respondents : Mr.R.P.Pragadish,
Central Government Counsel,
for R1

: Dr.C.E.Pratap,
Government Advocate (Crl. Side),
for R2

ORDER

This Writ Petition is filed to renew/re-issue the petitioner's passport bearing Passport No.G7897113 pursuant to his application in ARN:22-1011237169 , dated 13.10.2022 by considering his representation.

2. The petitioner was holding the above passport and he made an application for renewal. While so, the same is not processed and is kept



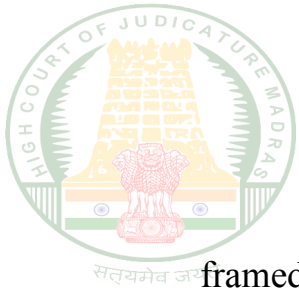
W.P.No.31864 of 2023

pending and therefore, the present Writ Petition is filed.

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3. It is seen that the petitioner's application is kept pending for three reasons. Firstly, there are 16 criminal cases, in which, the petitioner is involved. It can be seen that as far as the criminal cases are concerned, firstly, by the judgment of the Division Bench of this Court in ***Arumugam Vs. The Regional Passport Officer, Madurai*** in W.A.MD.No.301 of 2018, dated 27.03.2018, it was held that mere pendency of the F.I.R need not be taken as a Criminal Case within the meaning of the Passport Act, 1967. Therefore, any First Information Report will not be a bar.

4. Secondly, it is the case of the respondents that in two cases, charge sheets were also filed and are taken on file. That situation is also covered by the judgment of the Division Bench of this Court in ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih*** in W.A.No.902 of 2023, dated 02.06.2023, in which, the Division Bench took a view that the rules



W.P.No.31864 of 2023

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framed by the Government of India require only the permission of the Court if only the petitioner wants to travel abroad and the same need not be insisted upon at the time of re-issuance of the passport itself. In that view of the matter, for that reason, withholding the renewal of the passport of the petitioner is not correct.

5. That apart, it is stated in paragraph No.4 of the counter-affidavit that the petitioner had earlier made an application vide No.MA2071824230319 on 24.01.2019 and while making the present application, it was incumbent on the petitioner to have mentioned the earlier application that is made in his application which he has not done. This apart, when the residence as mentioned in the application was verified, the petitioner is also not residing in the said address.

6. In reply thereof, the learned Counsel would submit that non-mentioning of the earlier application was a procedural error. The residence



W.P.No.31864 of 2023

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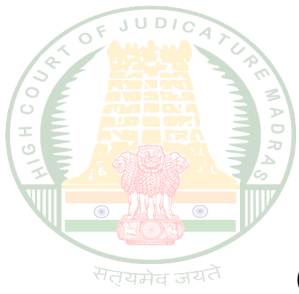
address was subsequently changed since he moved to his own premises.

7. I have considered the said submissions.

8. If a person wants to apply for a passport, when, in the column, it is specifically questioned as to whether any previous application is made, then, the non-mentioning of the previous application amounts to suppression of material fact. Therefore, this application need not be considered and it cannot be termed as procedural. As far as change in house is concerned, since the petitioner claims that since he moved to his own place, the same need not be put against the petitioner.

9. Therefore, this Writ Petition is disposed of on the following terms:-

(i) The petitioner shall make a fresh application for re-issue of passport and in the said application, both the previous applications have to be specifically mentioned by the petitioner in the appropriate column;



W.P.No.31864 of 2023

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(ii) The petitioner can also upload or forward a copy of this order after making the application;

(iii) The petitioner shall also furnish his correct particulars as to the present address, pendency of F.I.Rs and the Criminal Cases, if any and the respondent authorities shall consider the said application in the light of the judgments of this Court as stated supra and pass orders thereon in accordance with law;

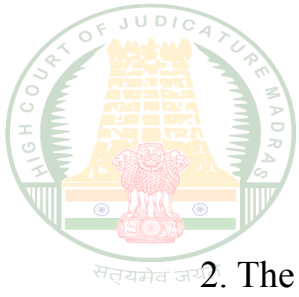
(iv) There shall be no order as to costs.

17.02.2025

Neutral Citation : no
grs

To

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W.P.No.31864 of 2023

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W.P.No.31864 of 2023

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.31864 of 2023



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W.P.No.31864 of 2023

17.02.2025