

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6466 of 2016

R.Subha

... Petitioner

vs.

The Regional Passport Officer,
Office of the Regional Passport Office,
No.25, AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore 641 014.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to process the passport application bearing File No.CB1068983292915 and issue passport to the petitioner based on the petitioner's application dated 01.12.2015 within the stipulated time without reference to FIR Nos.369 and 370 of 2012 dated 26.11.2012 registered on the file of Thalaivasal Police Station.

For Petitioner : Mr.V.Manisekaran

For Respondent : Mr.A.Kumaraguru, CGSC

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to process her application bearing File No.CB1068983292915 and issue passport, based on her application dated 01.12.2015, within the stipulated time, without reference to FIR Nos.369 and 370 of 2012 dated 26.11.2012 registered on the file of Thalaivasal Police Station.

2. The case of the petitioner is that she belongs to a political party viz., Desiya Murpokku Dravida Kazhagam and was elected as a Member of Legislative Assembly at Gangavalli Constituency, Salem District in the year 2011. She applied for Passport on 05.09.2013 with prescribed fee to the respondent, who in turn, acknowledged the receipt of the same and specified File No.CB1067192749513 in respect of the petitioner's passport

application. Thereafter, by letter dated 12.02.2014, she was called upon to submit her explanation with regard to the FIRs in Crime No.369 of 2012 for the offences under Sections 294(b), 504, 499 and 506 (1) IPC and Crime No.370 of 2012 for the offences under Sections 143, 341, 353 and 188 IPC registered by Thalaivasal Police Station against her. Accordingly, she submitted her explanation stating that the FIRs are nothing but political vendetta and produced the necessary documents in support of her claim. However, by order dated 08.08.2014, the respondent closed her passport application on the ground that adverse police verification report was received and the criminal cases are pending against the petitioner. Thereafter, the petitioner made another application dated 01.12.2015 seeking passport and was given acknowledgment with File No.CB1068983292915 for her passport application. When she approached the respondent for passport, the respondent refused to issue passport, for the same reason as set out in the earlier order dated 12.02.2014. Therefore, the petitioner has no other option except to approach this court with the present writ petition for the above stated relief.

3. Learned counsel for the petitioner submitted that the petitioner belonged to opposite political party and the FIRs have been registered against her, due to the pressure given by the Ruling political party and the same are pending without any progress from the year 2012 onwards. Further, the learned counsel submitted that there is no suppression of facts on the part of the petitioner, while making application for passport. In fact, she had produced all the documents including the copy of FIRs at the time of enquiry before the respondent.

4. Per contra, learned Central Government Standing counsel appearing for the respondent submitted that on the earlier occasion, the petitioner was called upon to submit her explanation with regard to the adverse police verification report received against her within a period of 30 days, but she has not submitted her explanation. However, a show cause notice dated 12.12.2014 was issued to her. Even thereafter, she has not come forward to submit her explanation. Therefore, the respondent was constrained to close her passport application by order dated 08.08.2014. The petitioner again made a fresh application dated 01.12.2015 seeking passport to the respondent.

5. In reply, learned counsel for the petitioner denied the submission so made on the side of the respondent, stating that the petitioner duly appeared before the respondent and submitted her explanation and further, till date, no charge sheet has been filed against her. Therefore, there cannot be any impediment for the respondent to consider her passport application.

6. Irrespective of the submissions made on either side, this Court, without going into the merits of the claim made by the

petitioner, directs the respondent to conduct enquiry on the application of the petitioner bearing File No.CB1068983292915 dated 01.12.2015 seeking passport and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

The Regional Passport Officer,
Office of the Regional Passport Office,
No.25, AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore 641 014.

1 cc to Mr.V. Manisekaran, Advocate, Sr. 15578
1 cc to Mr.A. Kumara Guru, Advocate, Sr. 15097

W.P.No.6466 of 2016

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