



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P. (MD) No.10832 of 2016

and

W.M.P. (MD) .No.8406 of 2016

Beer Maideen

..Petitioner

Vs.

The Regional Passport Officer,  
Regional Passport Office,  
Madurai.

..Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to re-issue the petitioner's passport by considering the representation of the petitioner dated 16.04.2016 within the period stipulated by this Court.

|                |                  |
|----------------|------------------|
| For Petitioner | : No appearance  |
| For Respondent | : Mr.D.Saravanan |

#### O R D E R

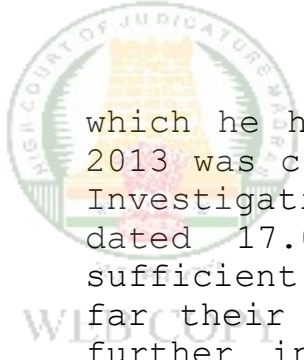
There is no representation of the petitioner.

2. According to the Petitioner, he applied for renewal of passport on 27.04.2015 before the Regional Passport Office, Madurai and his application Number is File No.MD20784753888515. The grievance of the Petitioner is that his application was kept pending without any progress and when he approached the Respondent, he came to know that the Police Verification Report was not clear and therefore, his application was under review at the Respondent's Office.

3. The Petitioner, in his writ petition affidavit at para-5, had categorically stated that he was implicated in a criminal case in Crime No.118 of 2013 at Malleswaram, Bangalore and in the said criminal case, he was discharged and not sent for trial etc. However, without considering the aforesaid facts, the Respondent had stated in his proceedings dated 10.09.2015, that an adverse police verification report corresponding to his application for passport was received and in the said report, it was mentioned that he was convicted during last 5 years and sentence to imprisonment of two years or more and also he possessed another passport. In this regard, the stand of the Petitioner is that it is a false and baseless one. That apart, in the said proceedings dated 10.09.2015, the Respondent had sought for an explanation

<https://hccs.cer.gov.in/cer/Services>

4. It comes to be known from para-7 of the writ affidavit that the Petitioner sent a representation dated 16.04.2016, in



which he had mentioned that the criminal case in Crime No.118 of 2013 was closed. Further, the Assistant Commissioner of Police and Investigating Officer, Bangalore City had filed his final report dated 17.07.2013, wherein he had stated that there was no sufficient evidence against the Petitioner in investigation, so far their names are kept away from the charge sheet column and further investigation would be conducted. Based on the charge sheet filed by the Assistant Commissioner of Police and Investigating Officer, Bangalore City, the First Additional Chief Metropolitan Magistrate, on 28.10.2013, had observed that the Petitioner was not sent for trial and that charge sheet was not filed against him in the case.

5. The principal stand of the Petitioner, as seen from the affidavit of the writ petition is that there is no criminal case pending against him and that he was exonerated from the case and all these facts were narrated in his representation dated 16.04.2016. However, till date the same has not been considered. In fact, in the said representation, he had prayed for re-issuance of passport. Under such circumstances, the Petitioner has filed the present writ petition.

6. At this stage, a cursory perusal of the contents of writ affidavit (filed by the Petitioner) un-hearingly point out that the Petitioner had mentioned that since he was deprived of re-issue of passport, he had prayed for passing of an order of interim direction, directing the Respondent to consider the representation of the Petitioner dated 16.04.2016, within the time determined by this Court.

7. In view of the fact that the Petitioner's representation dated 16.04.2016, addressed to the Respondent, in the subject matter in issue is pending, this Court, at this stage, without expressing any opinion on the merits of the case and also not delving deep into the contents of the representation of the petitioner dated 16.04.2016, simpliciter, to secure the ends of justice, directs the Respondent/Regional Passport Officer, Regional Passport Office, Madurai, to consider the representation of the petitioner dated 16.04.2016, within a period of four weeks from the date of receipt of a copy of this order and to dispose of the same, by passing a reasoned speaking order on merits, in a fair, free, unbiased and dispassionate manner, ofcourse in the manner known to Law and in accordance with Law.

8. With the aforesaid observation and direction, the Writ Petition stands disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS)



To

The Regional Passport Officer,  
Regional Passport Office,  
Madurai.

WEB COPY

+1cc to Mr.D.Saravanan, Advocate in SR.34566

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