



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.16500 of 2016

Muthaleeppu

... Petitioner

Vs.

The Regional Passport Officer,
Passport Office,
Tiruchirappalli Municipal Water
Tank Building, W.B.Road,
Tiruchirappalli.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the Respondent to issue renewal-passport for the Petitioner's application, dated 13.06.2016 by considering the Petitioner's representation, dated 27.07.2016.

For Petitioner : Mr.G.Karnan

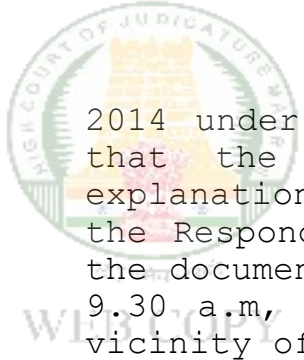
For Respondent : Mr.D.Saravanan

O R D E R

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondent.

2. According to the Petitioner, his passport had expired on 10.07.2016. He had applied for renewal of his passport bearing No.F2559109. He had submitted an application through on-line on 13.06.2016. After securing appointment from the Respondent/Regional Passport Officer, Passport Office, Trichirappalli, he appeared before him for verification of his Certificates on 15.06.2016. He had remitted a sum of Rs.1,500/- towards process fee and it was assured that the renewal process would be completed after obtaining police report from the concerned police station.

3. It comes to be known that the Respondent on 13.07.2016 had sought some clarifications from the Petitioner in regard to the issuance of passport facilities and in the said communication, it was inter alia mentioned that a criminal case was registered against the Petitioner in Uppiliyapuram Police Station in Crime No.48 of



2014 under Sections 294(b), 323 and 506(ii) of I.P.C. It appears that the Petitioner was called upon to provide a suitable explanation within thirty days as mentioned in the communication of the Respondent, dated 13.07.2016. Also, he was required to submit the documents to the Superintendent of the Respondent/Office between 9.30 a.m. to 12.00 p.m., on all working days if he lives in the vicinity of Trichy etc. It transpires that the Petitioner had given an explanation/reply, dated 27.07.2016 addressed to the Respondent/Regional Passport Officer, Passport Office, Trichirappalli, stating that criminal case is pending at enquiry stage and further, he desires to go abroad for the purpose of his livelihood and as such, prayed for issuance of passport, in the subject matter in issue.

4. Considering the fact that the explanation/representation of the Petitioner, dated 27.07.2016, is pending on the file of the Respondent/Regional Passport Officer, Passport Office, Trichirappalli, without any disposal or significant progress, till this date, at this stage, this Court, ipso facto, directs the Respondent/Regional Passport Officer, Passport Office, Trichirappalli, to look into the representation/reply of the petitioner, dated 27.07.2016 (for the notice, dated 13.07.2016 issued by the respondent), within a period of one week from the date of receipt of a copy of this order. Thereafter, the Respondent/Regional Passport Officer, Passport Office, Trichirappalli, is to pass a reasoned speaking order on merits with a free and open mind and that too in a dispassionate manner, within a period of two weeks thereafter (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, if situation so warrants), within a period of two weeks thereafter. Needless for this Court to make a significant mention that the Petitioner is to render his assistance and unstinted co-operation to the Respondent so as to enable the latter to do needful in his favour in the subject matter in issue, within the time afore stated. It is open to the Respondent/Regional Passport Officer, Passport Office, Trichirappalli, to obtain current status report of the criminal case registered against the petitioner by Uppiliyapuram Police Station in Crime No.48 of 2014 under various Sections of I.P.C, as stated supra, from the concerned Superintendent of Police and soon after the receipt of status report from the concerned Superintendent of Police, the Respondent shall pass necessary orders on the representation/reply of the Petitioner, dated 27.07.2016, of course well within the time determined by this Court as stated supra. It is also made clear that if the Respondent comes to an inevitable and irresistible conclusion that the Petitioner is to obtain necessary/suitable orders from the competent criminal Court, seeking permission to go abroad, then, it is open to the Respondent/Regional Passport Officer, Passport Office, Trichirappalli, to advise the Petitioner accordingly without precipitating the matter any further and avoiding any further loss of time.



With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-
Assistant Registrar (Records)

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/True Copy/

Sub Assistant Registrar

To

The Regional Passport Officer,
Passport Office,
Tiruchirappalli Municipal Water
Tank Building, W.B.Road,
Tiruchirappalli.

+1 cc to Mr.G.Karnan ,Advocate, Sr.No: 49296

+1 cc to Mr.D.saravanan,Advocate, Sr.No: 49298

pm

JAM/CK/15.09.16/3p-4c

W.P (MD) No.16500 of 2016

01.09.2016