



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.22639 of 2016

and W.M.P.(MD) No.16202 of 2016

Sarudeen Richart

...Petitioner

Vs.

1.The Government of India,
(Ministry of External affairs),
Rep. By The Regional Passport Officer,
Regional Passport Office,
Bharathi Ulaveethi, Race Course Road,
Madurai 625 002. Madurai District.

2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
(Crime No.126 of 2013)

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to consider the request of the petitioner in issuing passport vide serial file NO. MD2069455064716 dated 22.06.2016 in pursuance his remainder dated 08.11.2016 within a time frame as specified by this Court forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For R1	: Mr.R.Murugappan Central Govt., Standing Counsel
For R2	: Mr.J.Gunaseelan Muthaiah Government Advocate

ORDER

The petitioner has filed this Writ Petition for issuance of writ of mandamus directing the first respondent to consider the request of the petitioner in issuing passport vide serial file No. MD2069455064716 dated 22.06.2016 in pursuance his remainder dated 08.11.2016 within a time frame as specified by this Court forthwith.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent No.2 and the learned Standing Counsel appearing for the respondent No.1 and
services rendered by the materials placed on record.



3. According to the petitioner, he has filed an application for issuance of passport and the same was not processed by the first respondent on the ground that a criminal proceeding is pending against him in P.R.C.No.32 of 2014 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District, for an offences under Sections 147, 148, 294(b), 324, 323, 506(ii) and 307 IPC.

4. The petitioner has filed the present writ petition alleging that even though he has not involved in the above occurrence and he has been falsely implicated in this case and therefore, he may be issued with passport.

5. Admittedly, a criminal case is pending against the petitioner and in view of the bar under Section 6(2)(f) of the Indian Passport Act, the petitioner is not entitled to get a passport. If the petitioner desires to get a passport, petitioner has to approach the concerned criminal court and file an application seeking permission to leave the country and also to obtain a passport. In the event of the concerned court passing an order granting permission, the petitioner can approach the first respondent for issuance of a passport.

6. In the above circumstances, the petitioner is at liberty to approach the concerned criminal court for seeking permission and in the event of any such permission is granted, the first respondent is directed to consider his application expeditiously.

7. Accordingly, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected W.M.P.(MD) No.16202 of 2016 is closed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS)

To

1. The Regional Passport Officer, The Government of India,
(Ministry of External affairs), Regional Passport Office,
Bharathi Ulaveethi, Race Course Road, Madurai 625 002,
Madurai District.

2. The Inspector of Police, Koodankulam Police Station,
Tirunelveli District.

+1cc to Mr.S.Palani Velayutham, Advocate in SR.72568

+1cc to Mr.R.Mruguappan, Advocate in SR.72483

+1cc to the Special Government Pleader in SR.72478

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and W.M.P.(MD) No.16202 of 2016

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