



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.11.2016
CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
Writ Petition(MD)No.23147 of 2016

M.Ghouse Mohideen

... Petitioner

Vs.

1.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

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

... 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 issue a passport to the petitioner by considering his passport application, dated 03.09.2015 vide File No.MD2068789506315 within the stipulated period by this Court.

For Petitioner	: Mr.S.Balaji
For R -1	: Mr.R.Murugappan Central Government Standing Counsel
For R - 2	: Mr.R.Anandhraj Government Advocate

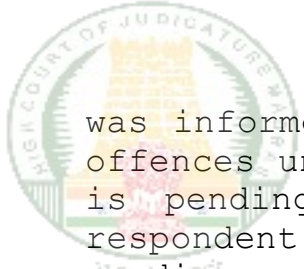
ORDER

Heard the learned counsel for the petitioner, the learned Central Government Standing Counsel for the first respondent and the learned Government Advocate for the second respondent.

2.By consent, the Writ Petition itself is taken up for final disposal.

3.The petitioner seeking a direction to the first respondent to issue a passport.

4.According to the petitioner, he filed an application before the first respondent on 03.09.2015. The said application is pending with the first respondent and so far no order has been passed. When the petitioner approached the first respondent, he



was informed that a criminal case in Crime No.279 of 2013 for the offences under Sections 147, 294(b), 153(B)(2), 353 and 506(i) IPC is pending against the petitioner on the file of the second respondent Police. According to the petitioner, only F.I.R is pending under Section 6(2)(f) of the Passport Act. Hence, there is no impediment for the first respondent to issue passport to the petitioner.

5.The learned counsel for the second respondent would submit that after investigation, final report has been filed and a case in C.C.No.391 of 2014 is pending before the learned Judicial Magistrate, Nanguneri.

6.Since already charge-sheet has been filed and a case is pending before the learned Judicial Magistrate, Nanguneri, there is a bar under Section 6(2)(f) of the Passport Act and hence, the petitioner is not entitled to get the passport. Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to file an application before the learned Judicial Magistrate, Nanguneri seeking permission for getting passport and to travel abroad. No costs.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

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

+1 cc to Mr.S.Balaji,Advocate Sr.No.74249
+1 cc to Mr.R.Murugappan,Advocate Sr.No.74143
+1 cc to the Spl.Govt.pleader Sr.No.78111

W.P(MD)No.23147 of 2016
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