



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.1082 of 2017

WEB COPY

N.Jeyaram Sidharth

... Petitioner

Vs.

The Passport Issuing Authority (Madurai),
Bharthi Via Street,
Race Course Road,
Madurai.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to issue fresh passport to the petitioner in Reference No.ARN.17-100254333/MD1069900682317 based on the Notification No.G.S.R.No.570(E) Ministry of External Affairs dated 25.08.1993 within time stipulated by this Hon'ble Court.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.K.R.Laxman

ORDER

This writ petition has been filed seeking a Writ of Mandamus, directing the respondent to issue fresh passport to the petitioner in Reference No.ARN.17-100254333/MD1069900682317 based on the Notification No.G.S.R.No.570(E), Ministry of External Affairs dated 25.08.1993.

2. According to the petitioner, he made an online application seeking passport, on 06.01.2017 and after paying the necessary fee, he was given with a reference No.ARN.17-100254333/MD1069900682317. It is the case of the petitioner that in the year 2015, one Boominathan lodged a complaint in Crime No.375 of 2016, against the petitioner and after completing the investigation, charge sheet was also filed in C.C.No.150 of 2016, before the learned Judicial Magistrate, Sivagangai and the respondent has denied to issue passport to the petitioner, citing the aforesaid pending criminal proceedings. It is the further case of the petitioner that against the said criminal proceedings, he has filed CrI.OP(MD)No.17534 of 2016, wherein, this Court had also granted an order of interim stay. The respondent ought not to have rejected the petitioner's claim, when he expressed his willingness to provide the necessary undertaking, as mandated by the



Government of India, for issuance of a fresh passport. As all his efforts ended in vain, the petitioner is before this Court.

3. The learned Counsel appearing for the respondent has filed a detailed counter affidavit contending that while processing the petitioner's application, the pendency of criminal proceedings was reported by the police officials and the petitioner himself admitted the same. Therefore, as per section 6 (2) (f) of Indian Passports Act, 1967, the authorities had rejected his claim.

4. In reply to this stand taken by the respondent, the learned Counsel appearing for the petitioner placed reliance upon the order of this Court in the case of **N.Chandrababu Vs. The Sub Inspector of Police in W.P.(MD)No.7056 of 2017**, wherein, this Court had granted permission to the petitioner therein to go to abroad.

5. Heard the learned Counsel appearing for the petitioner as well as the learned Counsel appearing for the respondent.

6. A perusal of the materials available on record would reveal that the case cited supra, squarely applies to the present case on hand and this Court on 21.04.2017, in **N.Chandrababu Vs. The Sub Inspector of Police in W.P.(MD)No.7056 of 2017**, has held as follows:

"7. On a conspectus of the facts obtaining in this case, this Court is of the view that this is a fit case for which permission should be granted to the petitioner to go abroad. Under such circumstances, this Court permits the petitioner to depart from India and return on 30th May 2017. In view of the permission granted by this Court, the Passport authorities are directed to exempt the petitioner from the operation of the provisions of Clause (f) of sub-Section (2) of Section 6 of the Passports Act. The petitioner shall give an undertaking as contemplated by Clause (d) of the Notification dated 25.08.1993. The petitioner will be entitled to keep the passport with him, in view of the fact that this Court has granted stay of all further proceedings in C.C.No.21 of 2015 and it may not be necessary for the petitioner to come every time to this Court seeking permission to go abroad. Accordingly, this writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed."

7. Following the same, this writ petition is disposed of, directing the respondent to consider the application/claim of the petitioner seeking passport, under Reference No.ARN.17-100254333/MD1069900682317 and pass appropriate orders, on merits and also in line with the order of this Court in **N.Chandrababu**



Vs. The Sub Inspector of Police in W.P. (MD) No. 7056 of 2017, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-II)

WEB COPY

/True copy/

Sub Assistant Registrar

To

The Passport Issuing Authority (Madurai),
Bharthi Via Street,
Race Course Road,
Madurai.

+ 1 CC TO MR.Mr.RM.Arun Swaminathan, ADVOCATE IN SR No.82411
MK/KK/SAR-3/25.10.2017/3P/3C

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