



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2017

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 6957 of 2017

M. Abdullah

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
West Boulevard Road,
Tiruchirapalli - 620 008.

2. The Inspector of Police,
Manapparai Police Station,
Manapparai, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider petitioner's application for passport under Application No. TR-2079890767717 dated 13.01.2017 and forthwith issue the passport.

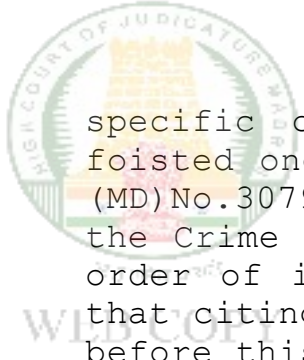
For Petitioner : Mr. AL. Ganthimathi

For Respondents : Mr. R. Murugappan,
Central Government Standing Counsel
for R.1
Mr. J. Gunaseelan Muthiah,
Government Advocate for R.2

ORDER

This writ petition has been filed by the petitioner seeking a Writ of Mandamus directing the first respondent to consider his application for passport bearing No. TR-2079890767717 dated 13.01.2017 and pass orders on the same.

2. According to the petitioner, his application for passport bearing No. TR-2079890767717 dated 13.01.2017 was kept pending with the first respondent, without any action and on enquiry, he was informed that due to the pendency of a criminal case registered in Crime No. 356 of 2015 with the second respondent police, for the offences punishable under Sections 353 and 506(ii) IPC, he was not issued with passport by the authorities. It is the



specific case of the petitioner that the aforesaid case is a foisted one and against the same, he has already preferred CrI.OP (MD)No.3079 of 2017 to quash the C.C.No.54 of 2017, arising out of the Crime No.356 of 2017, wherein, this Court has also granted an order of interim stay. It is the further case of the petitioner that citing the pendency of the criminal case, which is challenged before this Court, the first respondent ought not to have rejected his claim for passport and aggrieved thereby, he has also submitted several representations before the first respondent, which also failed to meet its fate and hence, the petitioner is before this Court.

3. Heard the learned Counsel appearing for the petitioner, the learned Counsel appearing for the first respondent as well as the learned Government Advocate appearing for the second respondent.

4. It is seen that the petitioner is aged about 52 years and had already obtained a passport and since the same got expired, he seeks to renew the same for performing Haj Pilgrimage. It is also not in dispute that the criminal case registered against the petitioner has been stayed by this Court and according to the petitioner, mere pendency of the criminal case cannot be a reason to refuse renewal of passport.

5. Under such circumstances, this Court, without going into the merits of the matter, directs the first respondent to consider the claim of the petitioner on the basis of his application/representation and pass appropriate orders thereon, in one way or other, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Regional Passport Officer,
Regional Passport Office,
West Boulevard Road,
Tiruchirapalli - 620 008.

2. The Inspector of Police,
Manapparai Police Station,
Manapparai, Trichy District.



+ 1 CC TO MR.AL.Ganthimathi, ADVOCATE,Vide CA SR No.81611
+ 1 CC TO MR.R.Murugappan,Senior Panel Counsel for Central
Government Vide CA IN SR No.81626

MK/JC/SAR-1/24.10.2017/3P/5C

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W.P. (MD) No.6957 of 2017
04.10.2017