



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 24.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.7155 of 2017

Samson

..Petitioner

Vs

The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the Petitioner's representation, dated 17.1.2017 and to reissue the Petitioner's passport within the time stipulated by this Court.

For Petitioner :M/s.M.R.Sreenivasan

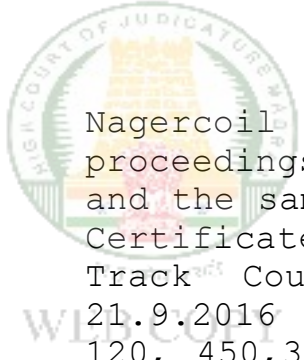
For Respondent :Mr.K.R.Laxman

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondent to consider the Petitioner's representation, dated 17.1.2017 and to re-issue the Petitioner's passport within the time stipulated by this Court.

2.The case of the Petitioner is that he had completed his S.S.L.C in the year 2001 and thereafter, he had completed ITI course in Plumber Trade and also undergone apprenticeship and worked in a private concern. In order to seek employment abroad, the applicant had applied for the passport and the same was issued to the Petitioner on 6.9.2004 by the Regional Passport Office, Tiruchirappalli. The passport issued to the petitioner in the year 2004 had expired in the year 2015. Thereafter, the Petitioner had applied for the renewal of the passport and the same was also renewed.

3.While matter stood thus, a complaint was registered in Service Complaint No.147 of 2005 as against the Petitioner and three others and charge-sheet was also filed and the same was taken on file by the Mahila Fast Track Court,



Nagercoil in S.C.No.93 of 2008. In view of the pending criminal proceedings, the Petitioner was directed to surrender his passport and the same was also surrendered on 29.04.2014 and the Surrender Certificate was also issued to the Petitioner. The Mahila Fast Track Court, Nagercoil ultimately by its judgement, dated 21.9.2016 acquitted the Petitioner and all others under Sections 120, 450, 302, 201 IPC and imposed a fine of Rs.400/-.As per the judgement of the Trial Court, fine amount has also been paid by the Petitioner on 21.9.2006 itself.

4.After being acquitted, the Petitioner approached the respondent Office for reissue of passport, upon which, the respondent Office directed the Petitioner to pay Rs.5,000/- as penalty for reissue of passport and the same has also been paid on 4.11.2016. Thereafter, the Petitioner appeared before the Respondent on 17.1.2017, submitted his explanation and enclosing a copy of the judgement passed by the trial Court acquitting him from the offences.

5.According to the petitioner, there is no impediment for reissue of passport, since he has been acquitted by the Criminal Court and no further criminal proceeding is pending. In-spite of the same, no decision has been forthcoming from the respondent nor passport has been reissued to the petitioner. In the said circumstances, the Petitioner is before this Court seeking for issuance of a Writ of Mandamus for the relief stated supra.

6.Upon notice, Mr.K.R.Laxman, learned counsel entered appearance on behalf of the respondent and submit that the respondent would consider the representation made by the Petitioner on 17.1.2017 in view of the subsequent developments.

7.Recording the submissions made by the learned counsel for the respondent, this Court directs the respondent to consider the representation of the petitioner said to have been made by the Petitioner on 17.1.2017 for reissue of passport by taking note of the subsequent developments, particularly, in view of the judgement of the trial Court acquitting the Petitioner from the offences of IPC as stated by him and pass necessary orders on the representation of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
ASSISTANT REGISTRAR (RTI)



To

The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

+1 CC TO MR.K.R.LAXMAN,ADVOCATE,SR NO.54126

+1 CC TO MR.M.R.SREENIVASAN,ADVOCATE,SR NO.53675

VSN

MAS/JC/SAR4:05.05.2017:3P-4C

W.P(MD)No.7155 of 2017
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