



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 18.01.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.18780 of 2016
and
W.M.P(MD)No.13568 of 2016

P.Navamani Palu

..Petitioner

Vs

1. The Union of India,
represented by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
2. The Consulate General of Malaysia,
Address: No.7Old No.3),
Cenotaph Road,
Ist Street, Teynampet,
Chennai - 600 018.
3. The State of Tamil Nadu,
represented by its Secretary to Government,
Public(Foreigner-I) Department,
Fort St.George,
Chennai - 600 009.
4. The Deputy Inspector General of Police,
Security Branch, CID,
Raja Annamalaipuram,
Chennai - 600 028.
5. The District Collector,
Madurai.
6. The Commissioner of Police-cum-Foreigner
Registration Officer,
Madurai City, Madurai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to the sixth respondent to recommend as per the representation dated 23.09.2016 to the second respondent to issue application for renewal of passport No.730808105820 from 7.10.2016 to 7.10.2021 by granting permission by the respondents and issue visa to visit Malaysia.



WEB COPY

For Petitioner : M/s.M.Md.Ibrahim Ali
For Respondent-1 : Mr.N.Shanmugaselvam
For Respondents : Mr.T.S.Mohammed Mohideen
3 to 6

ORDER

This Writ Petition is filed seeking for a Mandamus directing the sixth respondent, namely the Commissioner of Police-cum-Foreigner Registration Officer,, Madurai City, Madurai to recommend to the second respondent for renewal of passport to the Petitioner.

2.Heard the learned counsels appearing on either side and perused the materials placed before this Court.

3.A counter affidavit is filed by the sixth respondent, wherein, it is stated that a criminal case is pending against the Petitioner and therefore, the Petitioner's request cannot be considered.

4.First of all, this Court is of the view that no positive direction can be issued to the sixth respondent to make a recommendation based on the representation of the Petitioner, dated 23.09.2016. Needless to say that it is for the sixth respondent to consider the request and pass orders on the same on merits and in accordance with law and this Court cannot issue any positive direction as sought for. Moreover, it is stated in the counter affidavit filed by the sixth respondent that a criminal case is pending against the Petitioner. Therefore, it is for the sixth respondent to pass orders on the representation of the Petitioner and communicate the same so as to enable the Petitioner to challenge the said order, if he is aggrieved against the same, in any manner.

5.Accordingly, this Writ Petition is disposed of, within a direction to the sixth respondent to pass orders on the representation of the Petitioner, dated 23.09.2016 on merits and in accordance with law and communicate the same to the Petitioner, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

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6. The Commissioner of Police-cum-Foreigner
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Madurai City, Madurai.

+ 1 CC TO Mr.MOHAMED IBRAHIM ALI, ADVOCATE IN SR No. 2961
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 3095

VSN

TE/MR-VB : 02/02/2017 : 3P/9C

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