



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.1182 of 2018

Muruganathan

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the respondent from closing File No.MD1070129182517 and reissue passport to the petitioner pursuant to his application dated 20.03.2017 upon production of permission order from the Court of the Judicial Magistrate Court -II Ramanathapuram in connection with Crime No.15 of 2015 on the file of Uchipuli Police Station now pending in C.C.No.57 of 2016.

For Petitioner : Mr.N.Syed Ali

For Respondent : Mr.V.Kathirvelu, ASGI
assisted by Mr.K.R.LaxmanORDER

This writ petition has been filed seeking direction not to close the petitioner's passport application dated 20.03.2017.

2.According to the petitioner, he has made an application seeking issuance of passport before the respondent. However, the same was not considered on the ground that a criminal case is pending against the petitioner on the file of the Judicial Magistrate No.II, Ramanathapuram in C.C.No.57 of 2016. In view of the pendency of the criminal proceedings, the petitioner is said to have filed an application dated 18.01.2018 before the Judicial Magistrate, II, Ramanathapuram seeking permission to travel abroad which is still pending. Now, the apprehension of the petitioner is that the respondent is likely to close his application on the ground that criminal proceedings is pending against the petitioner. Hence, the petitioner has filed the present writ petition.



3. Heard Mr.N.Syed Ali, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, learned Assistant Solicitor General of India appearing for the respondent.

4. Admittedly, when criminal proceedings is pending against the petitioner, the petitioner should file an application seeking issuance of passport only after getting prior permission from the concerned Judicial Magistrate. However, the application filed by the petitioner seeking permission to travel abroad is still pending before the Judicial Magistrate. So far, the petitioner did not get any permission from the Judicial Magistrate and therefore, the petitioner cannot find fault with the passport authorities for closing his application.

5. Considering the fact that the petitioner's application dated 18.01.2018 is pending before the Judicial Magistrate II, Ramanathapuram, the Judicial Magistrate II, Ramanathapuram is directed to consider the application and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

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

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To
The Judicial Magistrate II,
Ramanathapuram.

+1CC to Mr.K.R.Laxman, Advocate, SR.No. 43230
+1CC to Mr.N.Syed Ali, Advocate, SR.No. 43277

Writ Petition (MD) No.1182 of 2018
23.01.2018

sms
AM/SKN RSK/SAR 3/31.01.2018/2P/3C