



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1626 of 2018

WEB COPY

Arumugam

... Petitioner

-vs-

The Regional Passport officer,
Madurai Regional Passport office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002, Tamil Nadu.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to issue Passport to the petitioner.

For Petitioner

: Mr.M.Kala Murugappan

For Respondent

: Mr.C.Nandagopal

Central Government Standing Counsel

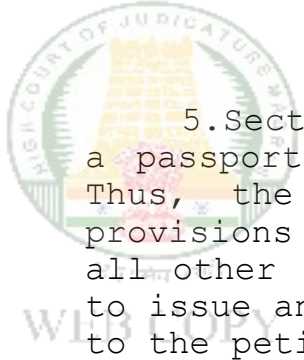
O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to issue passport to the petitioner and to pass any other further orders.

2.Heard Mr.M.Kala Murugappan, learned counsel appearing for the petitioner and Mr.C.Nandagopal, learned Central Government Standing Counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner made a submission that the writ petitioner had submitted an application seeking passport from the competent authority. Further, the petitioner claims that he has submitted all necessary documents along with his application, dated 11.12.2017. However, the authorities competent have not issued the passport to the writ petitioner.

4. The writ petitioner states that a criminal case was registered against him in Cr.No.117 of 2017 by the Taluk Police Station, Sattur, Virudhunagar District on 18.04.2017. However, the petitioner states that the First Information Report itself cannot be a ground for denying passport to the petitioner. Further, the learned counsel for the petitioner states that the criminal case was registered under Sections 143 and 188 of IPC for conducting Dharna and agitation to close down the TASMAL shop in the village. However, this court cannot conduct an enquiry into the allegations and it is for the competent authority to scrutinise the application and take a decision in accordance with the provisions of the Passport Act, 1967.



5. Section 2(b) of the Passport Act defines the "passport" means a passport issued or deemed to have been issued under the Act. Thus, the passport has to be issued in accordance with the provisions of the Act and Rules by scrutinising the application and all other relevant documents. No writ can be entertained in order to issue any directions directing the authorities to issue passport to the petitioner as such prayed for. The passport has to be issued by following the procedures contemplated under the Act and Rules and this Court under Article 226 of the Constitution of India, cannot scrutinise in order to consider the claims as raised in the present writ petition.

6. In this view of the matter, it is for the competent authority to consider the application in accordance with the Provisions of the Act and Rules, take a decision and pass appropriate orders.

7. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

The Regional passport officer,
Madurai Regional Passport office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002, Tamil Nadu.

+One cc to Mr.M.Kala Murugappan, Advocate, SR.No.44827

+One cc to Mr.C.Nandagopal, Advocate, SR.No.45048

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