



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWP (MD) No.1987 of 2018

WEB COPY

Jeyakodi Chellandi

... Petitioner

Vs.

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

2.The State rep.by
The Inspector of Police,
Sedapatti Police Station,
Madurai District,
Crime No.141 of 2017.

... Respondents

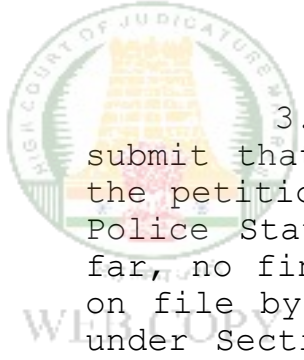
Petition filed under Article 226 Constitution of India to issue a writ of Mandamus directing the first respondent to issue passport based on the explanation/representation dated 08.01.2018 within the time limit stipulated by this Court.

For Petitioner	: Mr.M.Jegadeesh Pandian
For R1	: Mr.V.Kathirvelu Assistant Solicitor General assisted by Mr.P.Subbiah
For R2	: Mr.P.Kannithevan Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the first respondent to issue passport based on the petitioner's explanation/representation dated 08.01.2018.

2.According to the petitioner, she has applied for issuance of passport for the purpose of pursuing her higher studies in Philippines. After receipt of the application, the first respondent has sent a letter to the petitioner stating that a criminal case is pending against her and directed her to give explanation for the same. Thereafter, the petitioner has sent explanation. But, so far, no order has been passed by the first respondent. Hence, the present writ petition has been filed.



3.The learned counsel appearing for the petitioner would submit that admittedly a criminal case has been registered against the petitioner in Crime No.141 of 2017 on the file of the Sedapatti Police Station on 13.07.2017 and the investigation is pending. So far, no final report has been filed and the case has not been taken on file by the criminal Court. In the above circumstances, the bar under Section 6(2)(f) of the Passports Act, 1967 is not applicable to the present case.

4.In support of his contention, the learned counsel appearing for the petitioner has relied upon the decision rendered by this Court on 27.06.2014 in WP(MD)Nos.8343 to 8350 of 2017 [W.Jaihar William and others Vs. State of Tamil Nadu rep. by its Secretary to Government, Home Department, Fort St.George, Chennai and others], wherein it is held that mere pendency of registration of First Information Report cannot be construed as pendency of criminal proceedings as per Section 6(2)(f) of the Act and unless final report has been filed and the matter has been taken on file, the respondent cannot invoke the above provision.

5.The learned Assistant Solicitor General appearing for the first respondent would contend that in spite of notice issued to the petitioner, so far, she has not appeared before the first respondent for enquiry and the petitioner may be directed to appear before the first respondent with all relevant records, enabling the first respondent to consider her request.

6.Considering the above facts and circumstances, the petitioner is directed to appear before the first respondent on 26.02.2018 with all relevant records and submit her explanation, and the second respondent is also directed to send report to the first respondent whether any final report has been filed in respect of the above crime number. On receipt of such report, the first respondent is directed to consider the petitioner's application and pass orders on merits and in accordance with law.

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

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Inspector of Police, Sedapatti Police Station,
Madurai District,

+One cc to M/s.S.Palani Velayutham, Advocate, SR.No.47334

mj