



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.1989 of 2018

Muthuvalivittan

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office Madurai,
Bharathi Ulaveethi,
Race Course Road,
Madurai-2.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.

... Respondents

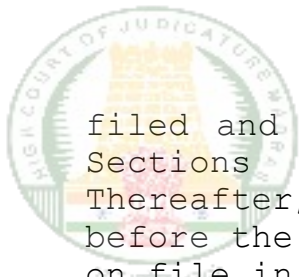
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to renew and reissuance of the petitioner's passport application in file No.MD1070469596317 dated 08.08.2017.

For Petitioner	: Mr.SP.Vijay Nivas
For R1	: Mr.C.Nandagopal, Standing Counsel
For R2	: Mr.Aayiram K.Selvakumar, Additional Government Pleader.

ORDER

According to the petitioner, he was issued with passport in passport No.E9484353 dated 22.06.2004 and the above passport was expired on 22.06.2014. Thereafter, he filed an application for re-issuance of passport before the first respondent on 08.08.2017. Thereafter, the first respondent issued a show cause notice to the petitioner to appear for an enquiry for seeking clarification regarding the pendency of the criminal case. The petitioner has appeared before the first respondent and submitted his explanation stating that only his car was involved in the above said criminal case. Thereafter, no order has been passed. Hence, the present writ petition has been filed.

2.Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the second respondent submitted that the petitioner is involved in a criminal case for violating election rules and earlier, a criminal case was



filed and registered in Crime No.220 of 2014 for punishable under Sections 143, 188 and 341 of IPC against the petitioner. Thereafter, after investigation, a final report has been filed before the Judicial Magistrate No.I, Madurai and the matter is taken on file in S.T.C.No.361 of 2014.

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3.In the above circumstances, since already the criminal case proceedings is pending against the petitioner, the petitioner is not entitled to get passport, in view of the Section 6(2)(f) of Passport Act. If at all the petitioner wants to travel abroad, he can approach the concerned Magistrate Court and file necessary application seeking permission to travel abroad and if the Trial Court grants any permission, it is open to the petitioner to approach the first respondent seeking passport.

4.In the above circumstances, the relief sought for by the petitioner cannot be granted. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I, Madurai.
2. The Passport Officer, Regional Passport office Madurai
Bharathi Ulaveethi, Race Course Road, Madurai-2
3. The Inspector of Police, Theppakulam Police Station,
Madurai City.

+1CC to Mr.SP.Vijay Nivas, Advocate, SR.No. 52288
+1CC to Mr.C.Nandagopal, Advocate, SR.No. 52434
+1CC to the Special Government Pleader SR.No.52947

W.P(MD)No.1989 of 2018
01.03.2018

Myr

AM/RSK/SAR 1/21.03.2018/2P/7C