



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2473 of 2018

Mohamed Arsath

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
West Boulevard Road,
Tiruchirapalli 620 008.

2. The Inspector of Police,
Thiruppanandal Police Station,
Thiruppanandal,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to reissue the passport to the petitioner by processing his application in File No.TR1077928663714.

For Petitioner : Mr.S.Rajaprabu

For 1st Respondent : Mr.V.Kathirvelu, ASGI
assisted by Mr.P.Subbiah

For 2nd Respondent : Mr.P.Kannidevan,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the first respondent to reissue the passport to the petitioner by processing his application in File No.TR1077928663714.

2.According to the petitioner, earlier he was issued with a passport in the year 2009. Thereafter, he went Saudi for employment where his passport was seized and on the intervention of Indian Embassy, the petitioner came back to India. In the above circumstances, the petitioner filed an application seeking re-issuance of his passport before the first respondent. However, the same was not considered on the ground that a criminal case is pending against the petitioner on the file of the II Additional



District Munsif cum Judicial Magistrate, Kumbakonam in C.C.No.109 of 2015. Hence, the petitioner has filed the present writ petition.

3. Admittedly, when criminal proceedings is pending against the petitioner, under Section 6(2)(f) of the Passport Act, the petitioner is not entitled to get a passport. However, as per the notification issued by the authorities, if the petitioner wants to travel abroad pending criminal proceedings, he should make an application before the concerned trial Court seeking permission to travel and only after getting permission from the trial Court he can apply to the passport authorities seeking passport. Without doing so, the petitioner cannot seek any direction to the passport authorities to issue passport pending criminal proceedings. In the above circumstances, the petitioner is directed to approach the concerned trial Court seeking permission to travel abroad. If any such application is filed, the concerned trial Court is directed to consider the application and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Thiruppanandal Police Station,
Thiruppanandal,
Thanjavur District.

+2cc to Mr.P.Subbiah, Advocate Sr.No.46715

+1cc to Spl.Government Pleader Sr.No.47209

SMS

VB/SKN/RSK/SAR3/27.02.2018/2P/5C

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