



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.3556 of 2018

Hameed Ibrahim

... Petitioner

Vs.

1. The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.
2. The Deputy Superintendent of Police,
District Crime Branch,
Ramanathapuram District.
3. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st respondent to reissue the petitioners passport No.K9946575 impounded by the 1st Respondent in File No.MD1070191046317 dated 25.04.2017 within the time that may be stipulated by this Court.

For Petitioner : Mr.N.Oli Mohammed

For 1st Respondent : Mr.V.Kathirvelu,
Assistant Solicitor General of India,
assisted by Mr.Subbiah,
Standing CounselFor Respondents 2&3 : Mr.M.Rajarajan,
Government Advocate.**ORDER**

This writ petition has been filed seeking direction to the first respondent to reissue of the petitioner's passport No.K9946575 impounded by the first respondent in File No.MD1070191046317 dated 25.04.2017 within the time that may be stipulated by this Court.

2.According to the petitioner, the petitioner filed an application to reissue passport to him and after receipt of the application, now, the first respondent sent a communication to the petitioner stating that the petitioner involved in a criminal case registered in Crime No.55 of 2015 and he was directed to give



explanation. Pursuant to the same, the petitioner has also submitted an explanation. Thereafter, no order has been passed. Hence, the petitioner has filed the present writ petition.

3.Today, when the matter is taken up for hearing, learned counsel appearing for the petitioner submitted that after investigation, the Inspector of Police, the third respondent herein filed a negative final report referring the matter as mistake of fact on 18.12.2017. In the above circumstances, there is no impediment for the first respondent to reissue the passport to the petitioner.

4.Learned Assistant Solicitor General of India appearing for the first respondent submitted that if the criminal case is pending against the petitioner has been referred as mistake of fact, it is open to the petitioner to approach the first respondent and submit his explanation and based on the same, the first respondent will consider his claim.

5.In the above circumstances, the petitioner is directed to appear before the first respondent on 12.03.2018 and submit his explanation along with the final report filed by the third respondent police in the criminal case. If any such explanation is received, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law.

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

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
District Crime Branch,
Ramanathapuram District.

2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

+1cc to Mr.A.ARPUTHARAJ, Advocate in SR. No.49970

+2cc to Mr.P.Subbaiah, Advocate in SR. No.49981

+1cc to SPECIAL GOVERNMENT PLEADER,SR. No.50785

sms

MK/SKN RSK/SAR-2/08.03.2018/2P/7C