



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 28.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.4119 of 2018  
and  
WMP(MD)No.4279 of 2018

Basheer Ahmed Mohamed Ismail

.. Petitioner

Vs.

The Regional Passport Officer,  
Regional Passport Office,  
Bharathi Ula Veethi,  
Race Course Road,  
Madurai - 2.

... Respondent

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in No.1700066\_CPC\_MDU dated 19.12.2017 and quash the same and consequently directing the respondent herein to re-issue the passport as per the application of the petitioner dated 09.05.2017 in File No.MD1070228934117.

|                |   |                             |
|----------------|---|-----------------------------|
| For Petitioner | : | Mr.K.Appadurai              |
| For Respondent | : | Mr.V.Kathirvelu             |
|                |   | Assistant Solicitor General |
|                |   | assisted by Mr.Rajaraman    |

ORDER

This writ petition has been filed challenging the order passed by the respondent, rejecting the petitioner's application, seeking to issue passport.

2.I have heard Mr.K.Appadurai, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, learned Assistant Solicitor General, appearing for the respondent. By consent, the writ petition is disposed of at the stage of admission itself.

3.According to the petitioner, earlier, the petitioner was issued with a passport and the same expired on 15.11.2004. Therefore, the petitioner has filed an application for re-issuance of passport on 09.05.2017. But, the respondent has rejected the application on the ground that a criminal case is pending against the petitioner in STC No.3708 of 2017 on the file of the Judicial



Magistrate Court, Uthamapalayam. In view of the bar under Section 6 (2) (f) of the Passports Act, 1967, the petitioner is not entitled to get passport. Challenging the same, this writ petition has been filed.

4. Admittedly, a criminal case has been registered against the petitioner for the offence under Sections 143, 188, 285 IPC r/w Section 74 of the Tamil Nadu City Police Act and the matter is pending in STC No.3708 of 2017 on the file of the Judicial Magistrate Court, Uthamapalayam. In the above circumstances, as per Section 6(2) (f) of the Passports Act, 1967, the petitioner is not entitled to get passport. However, as per the notification issued by the authorities, if the petitioner wants to travel abroad pending criminal proceedings, it is always open to him to approach the concerned trial Court and make an application 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.

5. With the above observation, this writ petition is disposed of. No costs. Consequently, WMP(MD)No.4279 of 2018 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

The Regional Passport Officer,  
Regional Passport Office,  
Bharathi Ula Veethi,  
Race Course Road,  
Madurai - 2.

+1cc to M/S.K.Appadurai, Advocate SR.No. 52140

+1cc to M/S.G.Rajaraman, Advocate SR.No. 51843

WP (MD) No.4119 of 2018  
28.02.2018

mj

JM/KK/SAR 1/23.03.2018/2P/4C