



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.4953 of 2018

N.Soundarapandian

... Petitioner

Vs.

The Passport Officer,
Regional Passport Office,
Madurai 625 002.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to issue passport to the petitioner in the light of his application reference No.17-1004504081 dated 27/04/2017 forthwith.

For Petitioner : Mr.B.Santhanam Rajeshkumar

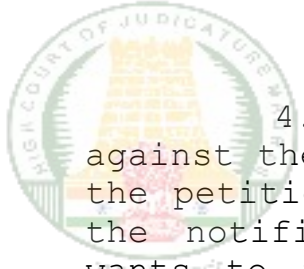
For Respondent : Mr.V.Kathirvelu,
Assistant Solicitor General of India,
assisted by Mr.J.Jeyakumaran,
Standing Counsel

ORDER

This writ petition has been filed seeking direction to the respondent to issue passport to the petitioner in the light of his application reference No.17-1004504081 dated 27/04/2017 forthwith.

2.According to the petitioner, he has made an application for issuance of passport before the respondent. After receipt of the application, a notice was issued to the petitioner to submit his explanation on the ground that a criminal case is pending against the petitioner. Hence, the petitioner has filed the present writ petition.

3.Today, when the matter is taken up for hearing, learned Assistant Solicitor General of India appearing for the respondent submitted that, a criminal case is pending against the petitioner in C.C.No.66 of 2017 on the file of the Judicial Magistrate, Aruppukottai in C.C.No.66 of 2017 and in view of the pendency of the criminal proceedings, the petitioner is not entitled to get passport.



4. 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 only after getting permission from the trial Court and 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.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Arupukottai.

2. The Passport Officer,
Regional Passport Office,
Madurai 625 002.

+ 1 cc TO Mr.M.Mohamed Hanifa , Advocate in SR No. 53750

+ 2 ccs TO Mr.J.Jeyakumaran , Advocate in SR No. 54196

sms

AE/SKN RSK/SAR1/03.04.2018/2P/6C

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