



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.13487 of 2018

G.Gopalakrishnan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Assistant Passport Officer,
Passport Seva Kendra,
Claret Plaza, Melakkal Main Road,
Kochadai,
Madurai - 625 016.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the first respondent to process and re-issue the petitioner's Passport bearing No.F8105523 based on the application of the petitioner dated 23.02.2017 pending on the file of the first respondent in File No.MD1070041878517 in accordance with the Notification issued by the Government of India, Ministry of External Affairs in G.S.R.No.570 (E), dated 25.08.1993.

For Petitioner : Mr.C.Arul Vadivel @ Sekar

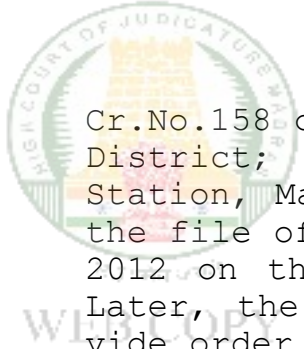
For Respondents : Mrs.S.Ragaventhre
Central Government Standing Counsel

ORDER

Mrs.S.Ragaventhre, learned Central Government Standing Counsel takes notice for the respondents.

2. By consent, the writ petition is taken up for final disposal.

3. The petitioner applied for renewal of his passport bearing No.F8105523 and his application dated 23.02.2017 is pending with the first respondent without any progress. It appears that there are certain criminal cases against the petitioner/applicant pending in



Cr.No.158 of 2012 on the file of Keelavalavu Police Station, Madurai District; Cr.No.219 of 2012 on the file of Keelavalavu Police Station, Madurai District, which culminated in C.C.No.27 of 2013 on the file of the learned Judicial Magistrate, Melur; and Cr.No.222 of 2012 on the file of Keelavalavu Police Station, Madurai District. Later, the F.I.R., in Cr.No.219 of 2012 was quashed by this Court vide order dated 22.11.2016 passed in Cr1.O.P(MD)No.20394 of 2016.

4. According to the petitioner, the respondents shall take a decision on the application made by the petitioner dated 23.02.2017, rather it was kept in cold storage. Aggrieved over the inaction of the respondents, the petitioner is before this Court seeking a direction to the respondents for re-issue of his passport.

5. The learned Counsel for the petitioner would vehemently contend that there are decisions of various Courts that pendency of of a criminal case cannot be a bar for restricting the free movement of citizens of India. Further, the Ministry of External Affairs, Government of India, vide Notification in G.S.R.No.570(E), dated 25.08.1993, set out the guidelines for issuance of passport to the persons involved in criminal cases.

6. I have considered the rival contentions.

7. It is an admitted fact that the petitioner/applicant made a request for renewal of his passport on 23.02.2017, however, it is pending on the file of the first respondent. Once an application is made, it is incumbent on the authority concerned to take a decision in one way or the other. It is the discretion of the authority concerned either to accept the request or reject the same based on the reasons recorded by him, but, he cannot keep it pending sine die.

8. Considering the facts and circumstances of the case and without going into the merits of the petitioner's claim, a direction is issued to the first respondent to consider the application of the petitioner dated 23.02.2017 and take a decision on merits and in accordance with law either to accept it or reject it, in the light of the Notification in G.S.R.No.570(E), dated 25.08.1993, issued by the Ministry of External Affairs, Government of India and the extant rules and regulations with regard to re-issue of passport, within a period of four weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/



+1CC to Mr.C.Arul Vadivel @Sekar Advocate in SR.No.69728.

+1CC to M/s.S.Ragaventhre Advocate in SR.No.69858.

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RSB

DS/SB/SAR-4 :02.07.2018: 3P/3C

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