



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.16305 of 2018

Gnanathiraviam

... Petitioner

vs.

The Passport Issuing Authority
Bharathi Ula Street
Race Course Road, Madurai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to issue passport to the petitioner in Reference No.ARN.18-1004950105 and File No.MD2061191581518 within time stipulated by this Court in light of the judgment of this Court in W.P.(MD) No.10431 of 2018, dated 28.04.2018.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.V.Kathirvelu

Assistant Solicitor General of India

Assisted by Mr.S.Jeyasingh

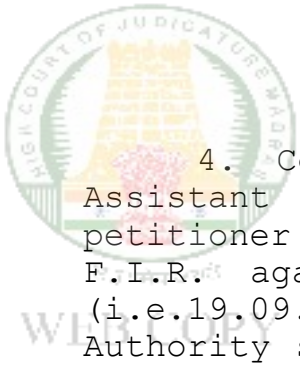
Central Government Standing Counsel

O R D E R

The petitioner has approached this Court seeking a direction to the respondent to issue Passport to him in the light of the ruling of this Court in W.P.(MD) No.10431 of 2018, dated 28.04.2018.

2. When the matter was taken up for hearing, the learned Assistant Solicitor General of India appearing for the respondent would submit that the petitioner, without responding to the notice, dated 16.07.2018, issued by the Passport Authority, has approached this Court directly. He would submit that the petitioner may be directed to give explanation to the notice, dated 16.07.2018 and on his explanation being considered, the Passport Authority would take necessary action to issue Passport to the petitioner. In case no criminal case is pending against the petitioner, the Passport Authority would not insist on mere pendency of F.I.R. for not issuing Passport to him.

3. The learned Assistant Solicitor General of India appearing for the respondent would also submit that no charge sheet has been filed in the pending criminal case against the petitioner.



4. Considering the above submissions made by the learned Assistant Solicitor General of India, this Court directs the petitioner to submit explanation in regard to the registration of F.I.R. against him, within a period of one week from today (i.e.19.09.2018) and on such explanation being given, the Passport Authority shall consider the same with the ruling of this Court on the aspect that mere pendency of F.I.R. cannot be a basis for denial of Passport to the citizens of this country. The Passport Authority shall issue Passport to the petitioner, in case his application is otherwise in order and cannot hold on to the pendency of F.I.R. against the petitioner for not issuing Passport to him.

5. The respondent is directed to take a decision in this regard and issue Passport to the petitioner, within a period of four weeks from the date of receipt of explanation from the petitioner, as directed above.

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

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

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To:

The Passport Issuing Authority,
Bharathi Ula Street,
Race Course Road, Madurai.

+1cc to Mr.S.Jeyasingh, Advocate in SR No.85156

+1cc to Mr.RM.Arun Swaminathan, Advocate in SR No.85134

W.P. (MD) No.16305 of 2018

NM/SKN/SAR 1/28.09.18/2P/4C