



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.17241 of 2018

M.Ganesh

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B. Road, Trichy - 08.

2.The Inspector of Police,
Sethupavasathiram Police Station,
Thanjavur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to issue passport to the petitioner pursuant to the petitioner's application dated 23.03.2018 bearing application reference No.TR1061049097118 by considering his representation dated 31.07.2018 within the time stipulated by this Court.

For Petitioner : Mr.I.Sabeer Mohamed

For Respondents : Mr.V.Kathirvel

Assist. Solicitor General of India
assisted by

Mr.K.Prabhu

Central Govt. Standing Counsel
(for R1)

Mr.C.M.Mari Chelliah Prabhu

Addl. Govt. Pleader (for R2)

O R D E R

The case of the petitioner is that he has applied for Passport on 23.03.2018 and paid necessary fees to the first respondent. In pursuance of his application, the petitioner had also appeared before the first respondent and produced all the documents. His application number is TR1061049097118. Thereafter, it appears that the first respondent had requested the second respondent to verify any criminal proceedings pending against the petitioner. The second respondent appears to have conducted an enquiry and sent a communication to the first respondent. On the basis of the report by the second respondent,



the Passport Issuing Authority has refused to issue Passport on two grounds, namely, that the petitioner was not living in the address mentioned by him in the application and also two criminal cases are pending against him.

2. When the matter is taken up for hearing, it is represented by the counsels appearing for the respondents that no charge sheet has been filed in both the criminal cases and the same are only in the FIR stage and the Magistrate concerned has not taken the case on file.

3. In such circumstances, this Court is of the consistent view that mere pendency of the FIR cannot be the basis for denying the Passport. However, it appears that the first respondent has given one more reason in addition to the pendency of criminal case namely that the petitioner was not living in the address mentioned by him in the application.

4. However, at this, the learned counsel for the petitioner would submit that the Adhar Card issued to the petitioner clearly mentioned the address where the petitioner is residing and that is enough proof for him to establish his claim of his place of residence.

5. In view of the above dispute, this Court would not be in a position to issue any positive direction. However, it appears that the petitioner has sufficient proof to establish his place of residence through the Adhar Card issued to him. Therefore, the first respondent is directed to consider the application filed by the petitioner and in case his proof of residence is established on the basis of the documents to be submitted by him, the Passport shall be issued to him without relying on the criminal cases pending against him, which even according to the learned counsel for the respondents, no charge sheet has been filed. The first respondent is directed to pass appropriate orders in this regard, within a period of two weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS-I)



To

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B. Road, Trichy - 08.

2.The Inspector of Police,
Sethupavasathiram Police Station,
Thanjavur District.

+1 CC To MR.K.PRABHU, Advocate SR. NO. 91164

+1 CC To MR.I.SABER MOHAMED, Advocate SR. NO. 91262

W.P. (MD) No.17241 of 2018
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TR/SKN/SAR-I (22.11.2018) 3P 5C