



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

WP (MD) No.5362 of 2013

Saravanakumar

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Kochadai,
Melakkar Road,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
(R2 impleaded as per order
dated 11.09.2014 in MP.No.1/2013)

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus to direct the respondent to extend the petitioner's passport as per section 8 of the Passport Act.

For Petitioner	: Mr.M.Subash Babu
For R1	: Mr.V.Kathirvelu Additional Solicitor General, assisted by Mr.Subbiah
For R2	: Mrs.J.Padmavathi Devi Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the first respondent to issue passport to the petitioner.

2.According to the petitioner, earlier, he was issued with a passport on 20.04.2012, after expiry of that passport, he has made an application before the first respondent for re-issuance of passport. In the meantime, a criminal case has been registered against the petitioner in Crime No.2 of 2011 on the file of the All Women Police Station, Ramanathapuram. In view of the pendency of the above criminal case, a show cause notice has been issued to the petitioner on 02.01.2013 by the first respondent, directing him to appear for enquiry on 02.01.2013. Even though the petitioner appeared for enquiry, no order has been passed. Hence, this writ



3.Today, when the matter is taken up for hearing, the learned counsel appearing for the first respondent submitted that since the petitioner did not appear for enquiry in the earlier occasion, the petitioner's application was closed on 18.07.2016. Thereafter, the petitioner has filed another application on 03.08.2017 for re-issuance of passport. On receipt of the above application, another show-cause notice has been issued on 09.08.2017. For that also, the petitioner did not appear before the first respondent. In the above circumstances, the first respondent is not in a position to consider the petitioner's application.

4.Since the earlier application filed by the petitioner in the year 2012 has already been closed, the relief sought by the petitioner in this writ petition cannot be granted. However, pursuant to the fresh application filed by the petitioner in the year 2017, now, a show cause notice has been issued to the petitioner, the petitioner is directed to appear before the first respondent on 19.03.2018 and file his explanation before him. On filing such explanation, the first respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of four weeks thereafter.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Regional Passport Officer,
Regional Passport Office,
Kochadai, Melakkar Road,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.

+1cc to M/S.M.Subash Babu, Advocate SR.No. 53065

+1cc to M/S.P.Subbiah, Advocate SR.No. 52853

+1cc to Special Government Pleader, SR.No. 53357

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