



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.11361 of 2019

and

W.M.P. (MD) No.8657 of 2019

K.Varatharajan

... Petitioner

Vs

1.The Regional Passport officer,
Regional Passport Office,
Bharathi Ula Veethi,
Madurai-625 002.

2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli

R2 is suo motu impleaded vide
Court order dated 30.04.2019

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to issue the passport to the petitioner pending in the application No.MD2061718320718 on the file of the respondent within the period that may be stipulated by this Court.

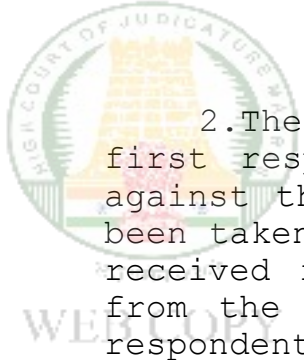
For Petitioner: Mr.M.Jerin Mathew

For R1 : Mr.V.Kathirvelu
Additional Solicitor General
assisted by
Mr.K.R.Laxman
Central Government Standing Counsel

For R2 : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The writ petitioner has applied for issuance of passport. The same has been kept pending by the first respondent in view of pendency of some criminal case against the petitioner and since their current status is not known.



2.The second respondent is directed to submit a report to the first respondent as to whether any final report has been filed against the writ petitioner and as to whether the said report has been taken on file by the Court concerned. If such a report is not received from the second respondent within a period of one weeks from the date of receipt of a copy of this order by the first respondent, the first respondent shall issue the passport to the petitioner subject to fulfillment of other formalities.

3.It is well settled that mere pendency of a criminal case at the First Information Report stage is not a ground for declining to issue passport. If it turns out that the final report filed against the petitioner had matured into calendar case, the petitioner will have to necessarily move the Court concerned for getting permission to travel abroad and if the criminal cases filed against the petitioner have been taken on file, the petitioner is at liberty to move the jurisdictional Criminal Court which shall dispose of the petitioner's application within seven days from the date of such filing. It is not enough if the police merely make a statement that they filed a final report. They must give the C.C.Number also.

4.With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

pnn

To

1.The Regional Passport officer,
Regional Passport Office, Bharathi Ula Veethi,
Madurai-625 002.

2.The Inspector of Police,
Suthamalli Police Station, Tirunelveli

+1CC TO MR.M.JERIN MATHEW, Advocate Sr. No.64280
+1CC TO MR.K.R.LAXMAN, Advocate Sr. No.64856
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 65178

W.P. (MD) No.11361 of 2019

and

W.M.P. (MD) No.8657 of 2019

30.04.2019