



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.269 of 2019

and

W.M.P.(MD) No.1156 of 2019

S.Chenthamarai Kannan

...Petitioner

-Vs-

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ulaveethi,
Race Course Road,
Madurai - 625 002.

...Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue passport to the petitioner pending on respondent's file No.MD2061613914318 dated 01.11.2018 within stipulated time limit according to law.

For Petitioner : Mr.S.Muthalraj

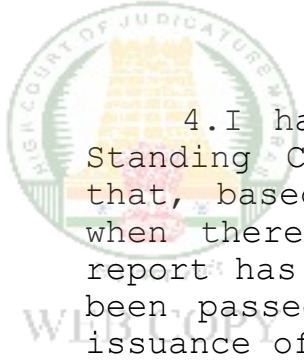
For Respondents : Mrs.S.Ragaventhare, CGSC

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondent to issue passport to the petitioner pending on respondent's file No.MD2061613914318 dated 01.11.2018 within stipulated time limit according to law.

2.Heard Mr.S.Muthalraj, learned counsel appearing for the petitioner and Mrs.S.Ragaventhare, learned Central Government Standing Counsel appearing for the respondent.

3.The petitioner seeks for indulgence of this Court to give direction to the respondent to give passport to the petitioner. In this regard, the petitioner's counsel submits that, on 28.11.2018, a show cause notice was issued by the respondent quoting that a police case is pending against the petitioner in Tuticorin South Police Station and in this regard, the respondent wanted the petitioner to give explanation. Pursuant to the said show cause notice, the petitioner appeared before the respondent on 10.12.2018 and gave a reply. Despite the same, no order has been passed so far by the respondent giving passport to the petitioner.



4.I have heard Mrs.S.Ragaventhare, learned Central Government Standing Counsel appearing for the respondent, who would submit that, based on the show cause notice, the petitioner appeared and when there is a police case pending and based on which a final report has been received by the 1st respondent office, no order has been passed with regard to the application of the petitioner for issuance of passport.

5.Be that as it may, whatever be the reason, the passport authority shall not keep the application pending without deciding the same even after hearing the applicant, of course, after show cause notice.

6.In view of the above, there shall be a direction to the respondent to decide the applicant's request with regard to issuance of passport, of course, on the basis of the explanation given by him dated 10.12.2018, pursuant to the show cause notice issued by the respondent dated 28.11.2018 and such order shall be passed by the respondent strictly in accordance with the Passport Act and the rules made thereunder on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

To
The Regional Passport Officer,
Regional Passport Office,
Bharathi Ulaveethi,
Race Course Road,
Madurai - 625 002.

+1 CC to Mr.S. MUTHALRAJ, Advocate SR-7089.

**Order made in
W.P. (MD) No.269 of 2019**

**and
W.M.P. (MD) No.1156 of 2019
Dated:03.06.2019**

CS: (14/06/2019) 2P 3C