



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.5399 of 2019

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Suresh

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002.

2. The Inspector of Police, Central Police station,
Tuticorin, Tuticorin District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to issue Passport to the petitioner by processing File No.MD2061781791519 dated 08.01.2019 by considering the petitioner's application dated 08.01.2019.

For Petitioner : Mr.S.Muthumalai Raja

For Respondents : Mr.V.Kathirvelu,
Assistant Solicitor General of India
assisted by Mr.Balaji Krishnasamy (CGSC)
for R1
Mr.K.Mu.Muthu,
Additional Government Pleader for R2

ORDER

Heard the learned counsel appearing for the petitioner and the learned Assistant Solicitor General of India appearing for the first respondent and the learned Additional Government Pleader for the second respondent. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

2.The petitioner has sought issuance of a passport. The application filed by him has not been considered for the reason that a criminal case is pending against the writ petitioner. It is seen that the petitioner took part in an agitation and that an FIR registered against him is still pending.

3.It is well settled that mere pendency of a criminal case at the FIR stage is not a ground for denying the issuance of passport. Therefore, there cannot be any impediment in considering the petitioner's application if he fulfills the other formalities. The first respondent is directed to issue passport to the petitioner if the petitioner fulfills all other formalities.



4. Accordingly, this writ petition is allowed. No costs.

sd/

Assistant Registrar(CS-III)

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/True Copy/

Sub Assistant Registrar

To

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002.
2. The Inspector of Police, Central Police station,
Tuticorin, Tuticorin District.

+2 CC to Mr.BALAJI KRISHNASAMY, Advocate (SR-52461[F] dated 07/03/2019)

+1 CC to SPL GP (SR-52713[F] dated 08/03/2019)

+1 CC to Mr.S.MUTHU MALAI RAJA, Advocate (SR-52837[F] dated 11/03/2019)

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MK (25.03.2019) 2P 7C