



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

WEB COPY

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16662 of 2019

Muthukumar

...Petitioner

-Vs-

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

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai, Sivagangai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent either to renew or re-issue the passport of the petitioner by considering his application reference number 19-2000633154, dated 23.05.2019 within a time frame as fixed by this Court.

For Petitioner	: Mr.P.Santhanakrishnan
For Respondents	: Mr.V.Kathirvelu (for R1)
	Assistant Solicitor General
	assisted by Mr.S.Raghaventhare
	Central Government Standing Counsel
	Mr.V.Anand (For R2)
	Government Advocate

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the first respondent either to renew or re-issue the passport of the petitioner by considering his application reference No. 19-2000633154, dated 23.05.2019 within a time frame as fixed by this Court.



6. However, the learned Additional Solicitor General also made a fair submission that, since the petitioner has come down to India and if at all he wants to get reissuance of passport, he can make a fresh application to that effect on his own and once such application is made, after getting information from the second respondent as to whether the case is still pending against the petitioner and whether there has been a charge sheet filed and it becomes a Calendar Case (CC) and depending upon the outcome, they drive the party ie., the petitioner, either to go to criminal Court to get an order, or if there is a case pending only at the FIR stage, on that score, the first respondent office shall independently decide such application for reissuance of passport for a limited period and accordingly, that would be decided.

7. On hearing the said submission made by the learned Assistant Solicitor General appearing for the first respondent, the learned counsel appearing for the petitioner, on instructions, from the petitioner agreed that, the petitioner would immediately make a fresh application for reissuance of passport to the first respondent and on such application being made to the first respondent, let the first respondent process the same, as indicated above, through the submission of the learned Assistant Solicitor General.

8. I have considered the said submissions made by both sides and also the learned Government Advocate appearing for the second respondent.

9. In view of the said factual matrix, this Court is inclined to dispose of this writ petition with the following directions:-

"(i) that the petitioner shall make a fresh application to the first respondent, immediately, requiring the first respondent to reissue the passport and on receipt of the said application, the first respondent office shall process the same and during such process, it is open to the first respondent to get information from the second respondent as to the stage of the criminal case pending against the petitioner and if the criminal case is pending only at the FIR stage, there can be no impediment for the first respondent to process the application and decide the same for reissuance of the passport. However, if a charge sheet is filed and it becomes a Calendar Case (CC) and still it is pending, suitable order can be passed by the first respondent driving the petitioner to go to the criminal Court to get an appropriate order



and once such eventuality arises and order obtained by the petitioner to that effect from the competent criminal Court is produced before the the first respondent office, accordingly, the first respondent office shall decide and final order shall be passed with regard to reissuance of the passport.

(ii) In case, there is no charge sheet filed and it is pending at FIR stage, such application to be filed by the petitioner shall be decided and final order shall be passed, within a period of four weeks from the date of receipt of a copy of this order along with the fresh application, by the first respondent, otherwise it depends upon the order to be obtained by the petitioner from the criminal Court, as early as possible, the application can be decided by the first respondent. "

10. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai, Sivagangai District.

+1 CC to M/s.P.SANTHANA KRISHNAN, Advocate (SR-78113[F] dated 29/07/2019)

+1 CC to M/s.SPL GP (SR-78486[F] dated 30/07/2019)

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26.07.2019

KM/ (03.09.2019) 4P 5C