



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

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WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD)No.16819 of 2019

S.Ragupathi

... Petitioner

-Vs-

1.The Regional Passport Officer,
Regional Passport Office,
Madurai.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to reissue passport to the petitioner by considering his application in file No.MD1071202859918 (Passport No.S1007973) dated 22.05.2018.

For Petitioner	: Mr.A.V.Arun
For Respondents	: Mr.V.Kathirvelu (for R1) Additional Solicitor General assisted by Mr.M.Kannan Central Government Standing Counsel Mr.V.Anand (for R2) Government Advocate

ORDER

The prayer sought for in this writ petition is that, to direct the first respondent to reissue passport to the petitioner, by considering his application in file No.MD1071202859918 (Passport No.S1007973), dated 22.05.2018.

2.Heard Mr.A.V.Arun, learned counsel appearing for the petitioner, Mr.V.Kathirvelu, learned Additional Solicitor General appearing for the first respondent and Mr.V.Anand, learned Government Advocate appearing for the second respondent.

3.The petitioner's passport had been surrendered as instructed by the first respondent and thereafter, the petitioner made an application on 22.05.2018 to reissue the passport.

4.The said application, having been processed by the first respondent, has been kept pending for the reason that, during the



process, when they sought for the report from the concerned police, an adverse police report has been received, under which, it has been revealed that, a criminal case is pending against the petitioner in Crime No.121 of 2017 on the file of the Sivagangai Taluk Police Station for the offences punishable under Sections 420 and 506(i) IPC and in view of the pendency of the said criminal case, without knowing the actual stage of the investigation and the stage of the criminal case as to whether the police filed a final report or not and the case has become CC or not, the first respondent could not be in a position to proceed the application of the petitioner, anymore.

5.In this context, the learned counsel appearing for the petitioner submitted that, even till today, the said case is pending only at the FIR stage and investigation is yet to be over and mere pendency of the case at the FIR stage, may not be an impediment for the first respondent to process the application, independently.

6.I have heard the learned Government Advocate appearing for the second respondent, who would submit that, the said case is still pending in the investigation stage and the final report has not sofar been filed.

7.I have heard the learned counsel appearing for the parties and perused the materials placed before this Court.

8.Since it is an admitted fact that, the case pending against the petitioner, where investigation is pending and charge sheet/police report has not sofar been filed before the concerned jurisdictional criminal Court and therefore, it can only be considered as the criminal case pending at the FIR stage and it is well settled legal proposition and a number of orders have been passed by this Court that, mere pendency of the case at the FIR stage, may not be an impediment for the Passport Issuing Authority to decide the application of the individual applicant on merits, this Court is inclined to pass the following order :-

"that the first respondent is hereby directed to process the application of the petitioner, dated 22.05.2018 and in this regard, if any further explanation is to be sought for from the petitioner, an opportunity of hearing can also be given to the petitioner and after getting information or clarification from the petitioner and if there is no other criminal case is pending against the petitioner and in the present criminal case against the petitioner referred to above if no charge is filed, the first respondent can process the application of the petitioner on merits and in accordance with law and decision shall be taken thereon to reissue the passport of the petitioner and final order shall be passed to that effect, within a period of four weeks and based on that



order to be passed by the first respondent, the concerned authority, before whom, the passport has already been surrendered by the petitioner, on instructions, shall release the passport and reissue the same to the petitioner, thereafter, within a period of two weeks."

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

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Regional Passport Officer,
Regional Passport Office,
Madurai.

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

+1CC TO MR.A.V.ARUN, Advocate Sr. No. 80276

+1CC TO MR.M.KANNAN, Advocate Sr. No.80693

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 80738

W.P. (MD) No.16819 of 2019

07.08.2019

NS (CO)

TR (28.08.2019) 3P 6C