



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17080 of 2019

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Kodeeswaran

... Petitioner

-Vs-

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625002.

2.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi-630 610.

... 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 issue a passport based upon the petitioner's passport application in file No.MD1062221463519, dated 21.06.2019 within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.R.Karunanidhi
For Respondents	: Mr.Prabhu (for R1) Central Government Standing Counsel P.Kannithevan (for R2) Additional Government Pleader

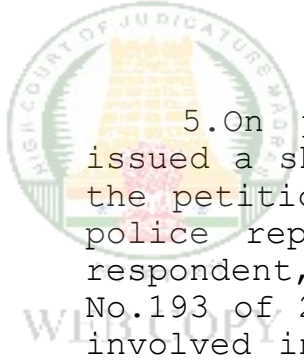
ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the first respondent to issue passport, based upon the petitioner's passport application in file No.MD1062221463519, dated 21.06.2019, within a time fixed by this Court.

2.Heard Mr.R.Karunanidhi, learned counsel appearing for the petitioner, Mr.Prabhu, learned Central Government Standing Counsel appearing for the first respondent and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the second respondent.

3.With the consent of both sides, this writ petition is being disposed of at the admissions stage itself.

4.In order to get a passport, the petitioner has made an application to the first respondent on 21.06.2019 in application No. MD1062221463519.



5. On processing the said application, the first respondent issued a show cause notice on 15.07.2019 seeking clarification from the petitioner on the ground that, since there has been an adverse police report received by the first respondent from the second respondent, whereby it seems to have been stated that in Crime No.193 of 2013 on the file of the second respondent, the petitioner involved in criminal case for the alleged offence punishable under Sections 294(b), 323, 336, 427 and 506(ii) IPC. In this regard, it is the case of the petitioner that, the petitioner thereafter appeared before the first respondent on 19.07.2019 and gave explanation stating that, after investigation, the petitioner's name had been deleted from the said case and in this regard, the report has also been given by the second respondent.

6. Therefore, the learned counsel appearing for the petitioner seeks indulgence of this Court to give a direction to the first respondent to process the petitioner's application on merits.

7. I have heard Mr. P. Kannithevan, learned Additional Government Pleader appearing for the second respondent, on instructions, who would submit that, the Sub-Inspector of Police of the second respondent Police Station has forwarded the communication, whereby there are 12 accused in the said case, out of which, after investigation, seven accused' name had been deleted, as they have not involved in the crime. Among the seven, the name of the petitioner is also found. Therefore, it has become clear that, the petitioner's name has been deleted from the FIR and therefore, as of now, there is no case pending against the petitioner.

8. The learned Central Government Standing Counsel for the first respondent would submit that, in view of the present revealment made by the second respondent, the application of the petitioner would be considered on merits independently by the first respondent and the same would be decided, within a time frame.

9. Having regard to the said submissions made by the learned counsel appearing for the parties and by taking into account the factual matrix, as has been discussed above, this Court is inclined to dispose of this writ petition with the following directions:-

"that since the first respondent has no further impediment with regard to the involvement of the petitioner in criminal case, since the same has been cleared by the second respondent, as stated above, let the first respondent process the application of the petitioner, dated 21.06.2019 and pass necessary order thereon, with regard to the issuance of passport, if the petitioner is otherwise eligible to get the same. The needful, as indicated above, shall be undertaken by the first respondent and final order shall be passed, within a period of four weeks from the date of receipt of a copy of this order."



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

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// True Copy //

Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar (CS)

To

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625002.

2.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi-630 610.

+1 CC to Mr.R.KARUNANIDHI, Advocate (SR-79324[F] dated 02/08/2019)

+1 CC to SPL GP (SR-79716[F] dated 05/08/2019)

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02.08.2019

rmk

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