



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18453 of 2019

M.Rajkumar

...Petitioner

-Vs-

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

2.The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi.

...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 fresh passport to the petitioner as per application No.MA206861717115 dated 16.07.2019 within the time frame fixed by this Court.

For Petitioner : Mr.R.Karthic Rajan

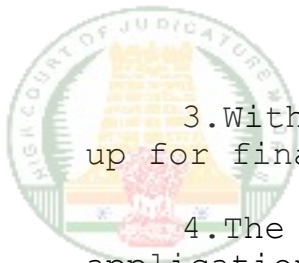
For Respondent : Mr.K.Prabhu (for R1)
Central Government Standing Counsel

Mr.V.Anand (for R2)
Government Advocate

ORDER

The prayer sought for in this writ petition is that, to direct the first respondent to issue fresh passport to the petitioner as per application No.MA206861717115, dated 16.07.2019, within a time frame to be stipulated by this Court.

2.Heard Mr.R.Karthic Rajan, learned counsel appearing for the petitioner, Mr.K.Prabhu, learned Central Government Standing Counsel appearing for the first respondent and Mr.V.Anand, learned Government Advocate appearing for the second respondent.



3. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner, in order to get a new passport, made an application in Application No. MA206861717115, dated 16.07.2019 to the first respondent, who on processing the same, has received an adverse police verification report from the second respondent, where, it has been intimated that there is a criminal case pending against the petitioner in Thoothukudi Central Police Station in Crime No. 224/2018 for the alleged offences under Sections 143 and 188 IPC and in view of the same, the first respondent vide his communication, dated 22.07.2019, has issued a show cause notice to the petitioner, directing him to furnish proper explanation as to under what circumstances, he has suppressed the pendency of the said criminal case. Only in that circumstances, the petitioner has approached this Court with the aforesaid prayer.

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 Mr. V. Anand, learned Government Advocate appearing for the second respondent, who would submit that, the FIR has been registered on 09.07.2019, thereafter, investigation would have been progressed, however, at any rate, the second respondent would communicate to the first respondent the present stage of the investigation as to whether the investigation was over or charge sheet was filed before the concerned criminal Court and the same has been taken into cognizance and it become a Calendar Case.

7. The learned Standing Counsel appearing for the first respondent would submit that, on receipt of such information from the second respondent, as to the present stage of the criminal case pending against the petitioner, the application of the petitioner would be processed further and acted upon.

8. Having regard to the said submissions made by both the parties, this Court is inclined to dispose of this writ petition with the following directions:-

"that the second respondent shall send report to that effect as to whether the criminal case pending against the petitioner on their file has been investigated and charges sheet has been filed before the criminal Court and if so, the stage of the said investigation, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said information, the first respondent shall act upon. In case, the charge sheet has been filed already, the petitioner shall be

<https://hcservices.ecourtservices.in> to approach the criminal Court to get



appropriate order to process the application of the petitioner and in case, if the investigation is still pending in the FIR stage and charge sheet is not filed, the first respondent shall process the application of the petitioner, otherwise on merits and after completing the process, final order on the said application shall be passed by the first respondent, within a period of four weeks, thereafter."

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

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

2. The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi.

+1 CC to M/s.R.KARTHIC RAJAN, Advocate (SR-83590[F] dated 27/08/2019)

+1 CC to M/s.SPL GP (SR-83998[F] dated 28/08/2019)

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JMN(26.12.2019) 3P : 5C