



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.18567 of 2019

Nishanth

...Petitioner

-Vs-

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

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to issue the passport to the petitioner which is pending before the 1st respondent as File No.MD4062045590919 dated 12.04.2019 within the time stipulated by this Court.

For Petitioner : Mr.P.Santhosh Kumar

For Respondents : Mr.V.Kathirvelu, ASG assisted by
Mr.M.Kannan, CGSC for R1
Mr.C.M.Mari Chelliah Prabhu,
for R2

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to issue the passport to the petitioner which is pending before the 1st respondent as File No.MD4062045590919 dated 12.04.2019 within the time stipulated by this Court.

2.Heard Mr.P.Santhosh Kumar, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, learned Assistant Solicitor General of India assisted by Mr.M.Kannan, learned Central Government Standing Counsel appearing for the 1st respondent and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the 2nd respondent.

3.The petitioner, in order to get a fresh passport, made an

<https://hcservices.ecourts.gov.in/hcservices/>



application in File No. MD4062045590919 dated 12.04.2019 to the 1st respondent. The 1st respondent, on processing the same, seems to have received an adverse police report from the 2nd respondent, where, it is stated that, there are criminal cases pending against the petitioner in Eraniel Police Station in crime Nos.663/17, 664/17, 492/17, 492/15, 864/15, 865/15, which are under investigation and also in crime No.863/15, where, investigation has been completed and charge sheet has also been filed, but, not taken on file by the concerned criminal Court. Further, it has been informed by the learned counsel appearing for the 1st respondent that in all the cases, investigation seems to have been completed and charge sheet would be filed and there is chance to take them on file. In view of the said pendency, the application of the petitioner could not be further processed by the 1st respondent. Only in that circumstances, this present writ petition has been filed for the aforesaid prayer.

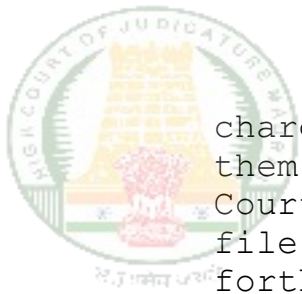
4.The learned counsel appearing for the petitioner would submit that, in any one of the aforesaid cases pending against the petitioner, no charge sheet has been filed, except the crime No.863/15. Therefore, such pendency of the criminal case will not be an impediment for the 1st respondent to process the application.

5.However, the learned Assistant Solicitor General appearing for the 1st respondent would submit that in all the cases, it seems that charge sheet had been filed, however, the same had not been taken on file by the concerned criminal Court. Therefore, at any time, if they are taken on file, then, definitely, it would be impediment for the 1st respondent to process the application, otherwise, on merits, independently.

6.The learned Additional Government Pleader appearing for the 2nd respondent would submit that, the investigation has been completed in those cases and charge sheet has been filed and not been taken on file. Therefore, the learned Additional Government Pleader would submit that, after having verified the status of the charge sheets filed on behalf of the 2nd respondent and if there is any want of rectification, after rectifying the same, if need arise, it would be persuaded to take up on file by the concerned criminal Court and accordingly, intimation would be forwarded to the 1st respondent for further action at their end.

7.I have considered the said submission made by the learned counsel for the parties and having regard to the said facts and circumstances, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

<https://hcservices.ecourts.gov.in/CaseDetails/2nd> respondent shall verify as to whether the



charge sheets preferred or claimed to have been filed by them, have been taken on file by the concerned Criminal Court, and if those charge sheets have been taken on file, the same shall be intimated to the 1st respondent forthwith and if the charge sheets have not been taken on file for want of any rectification, within two weeks from the date of receipt of a copy of this order, the 2nd respondent shall rectify the charge sheets and to ensure that the same are taken on file and thereafter, an intimation can be made by the 2nd respondent to the 1st respondent and on receipt of the same, the 1st respondent can drive the petitioner to approach the competent criminal Court to get appropriate orders and thereafter, if any order obtained by the petitioner from the competent criminal Court, is produced before the 1st respondent, accordingly, the application of the petitioner can be decided on merits, within a reasonable time."

8. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

Arul

To
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

+1 CC to M/s.M. KANNAN, Advocate (SR-83919[F] dated 28/08/2019)

+1 CC to M/s.SPL GP (SR-84212[F] dated 29/08/2019)

+1 CC to M/s.P.SANTHOSHKUMAR, Advocate (SR-84312[F] dated 29/08/2019)

Order made in
W.P. (MD) No. 18567 of 2019

Dated:
28.08.2019

_KM/ (18.09.2019) 3P 5C