



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.08.2019**

WEB COPY

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.18635 of 2019

and

W.M.P.(MD) No.15002 of 2019

N.Sivakumar

...Petitioner

-Vs-

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Kottar Police Station,
Nagercoil, 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 process the petitioner's passport application bearing reference No.(ARN) 19-1006553645 dated 08.07.2019 in accordance with law and communicate the decision as taken with regard to the issuance of passport thereupon within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Palani Velayutham
For Respondents : Mr.V.Kathirvelu, ASG assisted by
Mr.Irulappan, CGSC for R1
Mr.B.Bhagawathi, G.A.
for R2

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to process the petitioner's passport application bearing reference No.(ARN) 19-1006553645 dated 08.07.2019 in accordance with law and communicate the decision as taken with regard to the issuance of passport thereupon within a



time frame as stipulated by this Court.

2. Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, learned Assistant Solicitor General of India assisted by Mr.Irulappan, learned Central Government Standing Counsel appearing for the 1st respondent and Mr.B.Bhagawathy, learned Government Advocate appearing for the 2nd respondent.

3. The petitioner, in order to get a fresh passport, made an application in reference No.(ARN) 19-1006553645 dated 08.07.2019 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 is criminal case pending against the petitioner in Kottar Police Station in crime No.624 of 2016, where, investigation has been completed and charge sheet has also been filed, but, not taken on file by the concerned criminal Court. 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, 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, at any time, if that is taken on file, then, definitely, it would be impediment for the 1st respondent to process the application, otherwise, on merits, independently.

6. The learned Government Advocate appearing for the 2nd respondent would submit that, after having verified the status of the charge sheet 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:

"The 2nd respondent shall verify as to whether the charge sheet preferred by them has been taken on file by the concerned Criminal Court and if same is taken on

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same shall be intimated to the 1st respondent



forthwith and if the charge sheet has 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 sheet and to ensure that the same is 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar (CS)

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To
The Inspector of Police,
Kottar Police Station,
Nagercoil, Kanyakumari District.

+1 CC to M/s.I. IRULAPPAN, Advocate (SR-83873[F] dated 28/08/2019)

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-84061[F] dated 29/08/2019)

+1 CC to M/s.SPL GP (SR-84206[F] dated 29/08/2019)

Order made in

W.P. (MD) No. 18635 of 2019

Dated:

28.08.2019

_KM/ (18.09.2019) 3P 5C