



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P(MD)No.20170 of 2019

Kasimariappan

... Petitioner

Vs.

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

2.The Inspector of Police,
SIPCO Police Station,
Thoothukudi, Thoothukudi District.

3.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to issue passport to petitioner pursuant to his application dated 06.08.2019 in file number MD2062342429519 by considering his reply dated 29.08.2019 more particularly within a time frame stipulated by this Court.

For Petitioner
For Respondents

: Mr.P.Pethu Rajesh
: Mr.V.Kathirvelu
Assistant Solicitor General of India
assisted by
Mr.C.Nandagopal,
Central Government Standing Counsel
for R.1

: Mr.K.Mu.Muthu
Additional Government Pleader
for R.2 and R.3

ORDER

Mr.P.Pethu Rajesh, learned Counsel on record for writ petitioner, Mr.V.Kathirvelu, learned Senior Counsel and Assistant Solicitor General of India, instructed by Mr.C.Nandagopal, learned



Central Government Standing Counsel on behalf of the first respondent and Mr.K.Mu.Muthu, learned Additional Government Pleader, on behalf of the respondents 2 and 3 are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. The entire matter now turns on a narrow compass.

4. Subject matter of writ petition pertains to writ petitioner's application dated 06.08.2019 vide file number MD2062342429519 for issue of passport, which ran into rough weather owing to pendency of First Information Reports ('FIRs' in plural and 'FIR' in singular), on the file of respondents 2 and 3.

5. To be noted, today police officers from the second and third respondent police stations are present in Court instructing and assisting Additional Government Pleader.

6. On instructions, learned Additional Government Pleader submits that FIR on the file of third respondent police station has reached its logical end and has ended in acquittal whereas FIR on the file of the second respondent police station being FIR No.154/2018, dated 20.04.2018 for alleged offences under Sections 143 and 188 of Indian Penal Code (IPC) alone is pending. It is submitted that it is FIR stage.

7. In the aforesaid backdrop, learned Counsel for the writ petitioner submits that writ petitioner is a Silambam coach and his presence is required in Malaysia on 02.10.2019 for 'Silambam First World Federation Cup 2019' conducted by 'World Silambam Federation'. Learned Counsel for writ petitioner adverted to a communication from 'World Silambam Federation' in this regard dated 16.07.2019, which is in the typed set forming part of case file.

8. In the aforesaid circumstances, as one FIR is pending and as it is only at the FIR stage, it does not impede the issue of passport by the first respondent. There is no dispute or disagreement regarding this obtaining legal position.

9. Mr.V.Kathirvelu, learned Senior Counsel and Assistant Solicitor General of India, on behalf of first respondent, on instructions, submitted that the first respondent can issue a limited period passport for the present for the aforesaid specific purpose ie., writ petitioner attending the Silambam First World Federation Cup 2019 conducted by 'World Silambam Federation' in Malaysia, which commences on 02.10.2019.

10. In the light of the fair stand taken by the respondents ie., Assistant Solicitor General of India and State Counsel, <https://hcservices.judg.gov.in/hcservices/> peculiar facts and circumstances of this case, the



first respondent is directed to issue limited passport to the petitioner for the aforesaid purpose set out supra, for a period of six months or one year as deemed appropriate by the first respondent, subject to other requirements and conditions being satisfied.

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11. Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-
Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
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Thoothukudi, Thoothukudi District.

3.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti, Thoothukudi District.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-87731[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-88350[F] dated 20/09/2019)

W.P(MD)No.20170 of 2019
19.09.2019

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JM/20.09.2019/3P/6C