



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 03.10.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

**W.P.(MD) No.21181 of 2019**

**WEB COPY**

Nagoorkani Kattuvaravuthar ... Petitioner  
vs.

1.The Passport Officer,  
Madurai Region,  
Madurai Bharathi Ula Veethi  
Race course Road,  
Madurai-625 002.

2.The Superintendent of Police  
Sivagangai District,  
Sivagangai.

3.The Inspector of Police,  
Tirupuvanam Police Station,  
Sivagangai District.

... Respondents

**PRAYER:**

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the 1st respondent to consider the application dated 29.7.2019 in consonance with the explanation dated 27.8.2019 in person, and consequently direct the 1st respondent to issue fresh passport in accordance with the Passport Act, 1967.

For Petitioner : Mr.K.Mahesh Raja

For Respondents: Mrs.Ragaventhre

Central Government Standing Counsel for R-1

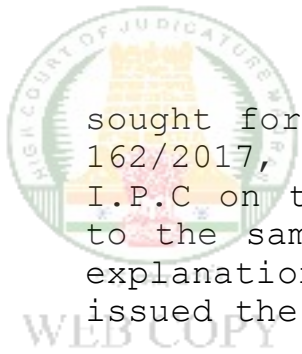
Mr.C.Bagavathi

Government Advocate for RR-2 & 3

**O R D E R**

This writ petition has been filed for issuance of a direction, directing the 1st respondent to consider the petitioner's application dated 29.7.2019 in consonance with the explanation dated 27.8.2019 in person, and consequently direct the 1st respondent to issue fresh passport in accordance with the Passport Act, 1967.

2.The petitioner is a resident of Thiruppuvanam Taluk, Sivagangai District. He applied for a passport with the first respondent. After police verification, the first respondent



sought for clarification as to the pendency of Cr.Nos.80/2017 and 162/2017, which were registered under Sections 143, 188 and 341 I.P.C on the file of the Thiruppuvanam Police Station. Pursuant to the same, the petitioner appeared in person and submitted his explanation on 27.8.2019. Till date, the first respondent has not issued the passport on the ground that criminal cases are pending.

3.According to the petitioner, the crime numbers are still in F.I.R stage and no charge-sheet has been filed. Since the criminal cases are at F.I.R stage, it is not a bar for grant of passport.

4.The learned counsel appearing for the first respondent would submit that as per the Central Government Notification in GSR No.570(E), Ministry of External Affairs, dated 25.08.1993, pendency of criminal proceedings cannot be a bar for issuance of passport.

5.Learned counsel appearing for the respondents 2 & 3 would submit that cases are still pending at the F.I.R stage and no further action has been taken.

6.Considering the submissions of the learned counsel for the respondents and also considering that the criminal cases are pending at F.I.R stage, I am of the view that it is not a bar for grant of passport . Hence, a direction is given to the first respondent to consider the application of the petitioner, dated 29.07.2019 in consonance with the explanation submitted by the petitioner on 27.08.2019 in person and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

vs

**To**

1.The Passport Officer,  
Madurai Region,  
Madurai Bharathi Ula Veethi  
Racecourse Road,  
Madurai-625 002.

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



2.The Superintendent of Police  
Sivagangai District,  
Sivagangai.

3.The Inspector of Police,  
Tirupuvanam Police Station,  
Sivagangai District.

+1 CC to M/s.K.K.MAHESHRAJA, Advocate ( SR-91323[F] dated  
04/10/2019 )

+1 CC to M/s.GP ( SR-91363[F] dated 04/10/2019 )

**W.P. (MD) No.21181 of 2019**  
**03.10.2019**

\_KM/(18.10.2019) 3P 6C