



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22339 of 2019

Nagarajan : Petitioner

vs.

1.The Regional Passport Officer,
No.13, South Bypass Road,
Xavier Colony,
Tirunelveli City,
Tirunelveli District.

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

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

: Respondents

[R-3 impleaded as per the order of this
Court dated 31.10.2019 in W.M.P. (MD) No.19640 of 2019]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to grant passport to the petitioner, within a time frame as directed by this Court, on the basis of the petitioner's application for passport dated 07.02.2019.

For Petitioner : Mr.B.Ashok

For Respondents 1&3 : Mr.A.P.Rajasimman

For Respondent No.2 : Mr.M.Rajarajan,
Government Advocate



O R D E R

This Writ Petition has been filed for issuance of a direction, directing the first respondent to grant passport to the petitioner, on the basis of his application for passport dated 07.02.2019.

2.The petitioner is a resident of Nullivilai-B Village, Kalkulam Taluk, Kanyakumari District. He applied for a passport with the first respondent. After police verification, the first respondent sought for explanation as to the pendency of Crime No.678 of 2017 registered for the offences under Sections 292A, 153A of the Indian Penal Code and Section 67 of the Information Technology Act, 2000 on the file of the second respondent. Pursuant to the same, the petitioner appeared in person and submitted his explanation on 12.07.2019. Till date, the first respondent has not issued the passport on the ground that criminal case is pending.

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

4.The learned counsel appearing for the first and third respondents 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. The learned Government Advocate appearing for the second respondent would submit that case is still pending at the F.I.R stage.

6. Considering the submissions made on either side and also considering the fact that the criminal case is 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 third respondent to consider the passport application submitted by the petitioner, dated 07.02.2019 and process the same, if he is otherwise eligible, within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)



To

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

+1 CC to SPL GP (SR-95468[F] dated 01/11/2019)

+1 CC to Mr.A.P.RAJASIMMAN, Advocate (SR-95503[F] dated
01/11/2019)

+1 CC to Mr.B.ASHOK, Advocate (SR-95601[F] dated 01/11/2019)

Order made in
W.P. (MD) No.22339 of 2019
31.10.2019

VB(19.11.2019) 3P 5C