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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **20.11.2019**
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.22633 of 2019

Manickam : Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
WB Road, Trichirappalli.

2.The Inspector of Police,
West Police Station,
Kumbakonam,
Thanjavur District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents more particularly the 1st respondent to re-issue passport to the petitioner based on his application dated 13.08.2019 pending in File No.TR1072358109119 before the first respondent by accepting the explanation given by the petitioner dated 24.09.2019 within a time frame.

For Petitioner : Mr.D.Venkatesh
For R1 : Mr.V.Kathirvelu,
Assistant Solicitor General of India
assisted by Mr.B.Narayan Ram,
Central Government Standing Counsel

For R2 : Mr.M.Rajarajan
Government Advocate

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the first respondent to re-issue the passport to the petitioner.

2. Heard both sides.

3.According to the petitioner, the petitioner has submitted an application in File No.TR1072358109119, dated 13.08.2019 before the first respondent and the same is pending. Further, the first respondent has refused to re-issue passport to the petitioner on the

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ground of various criminal cases in Crime Nos.678/94, 1098/95, 385/96, 2/2000, 239/02 and 165/14 are pending against the petitioner. Further, the petitioner's name is recorded as History Sheeter and without removing his name from the history sheet, it is not possible to re-issue the passport.

4.The learned Assistant Solicitor General of India appearing for the first respondent would submit that unless the entries of Rowdy History Sheet No.246 of 1994 on the file of the Kumbakonam West Police Station is removed, it is not feasible to re-issue the passport.

5.On notice, the second respondent has filed a counter affidavit, wherein, it is categorically mentioned that from all the six Crime Numbers mentioned above, the petitioner was acquitted, after full trial and that the History Sheet No.246/1994 was also closed, on 04.11.2019.

6.Considering the counter affidavit filed by the second respondent, this Court directs the first respondent to re-issue the passport to the petitioner, as there is no legal impediment for the same. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Regional Passport Officer,
Regional Passport Office, Municipal Water Tank Building,
WB Road, Trichirappalli.

2.The Inspector of Police,
West Police Station, Kumbakonam,
Thanjavur District.

+1 CC to M/s.D. VENKATESH, Advocate (SR-100064[F] 21/11/2019)
+1 CC to M/s.Special Govt. Pleader (SR-100341[F] dated 21/11/2019)

Order made in
W.P(MD)No.22633 of 2019
Dated: **20.11.2019**

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