



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.23196 of 2019

M.Kumara Sethuram

.. Petitioner

Vs.

The Regional Passport Office,
rep.by its Passport Officer,
Madurai, Bharathi Ula Veethi,
Race Course,
Madurai - 625 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to consider and pass orders on the representation submitted by the petitioner on 25-10-2019 requesting to issue Passport on the application bearing No.(ARN)19-1005337027.

For Petitioner : Mr.A.Joseph Jerry

For Respondent : Mr.V.Kathirvelu

Assistant Solicitor General

assisted by Mrs.Raghaventhre

ORDER

This writ petition has been filed for issuance of a direction, directing the respondent to consider and pass orders on the representation submitted by the petitioner on 25.10.2019 requesting to issue Passport on the application bearing No.(ARN)19-1005337027.

2.Mr.V.Kathirvelu, learned Assistant Solicitor General of India, takes notice on behalf of the respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner has applied for a passport with the respondent. After police verification, the respondent sought for clarification as to the pendency of Crime No.252/2016, which was registered against the petitioner under Sections 279, 337, 304-A IPC I.P.C on the file of SIPCOT Police Station, Tuticorin. The petitioner has not appeared before the respondent due to his examinations, but, sent a representation dated 25.10.2019. Till date, the respondent has not issued passport on the ground that criminal case is pending. Therefore, the petitioner is before this Court.



4. 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.

5. The learned Assistant Solicitor General of India appearing for the 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.

6. Considering the aforesaid submission of the learned Assistant Solicitor General of India appearing for the respondent and also considering 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 respondent to consider the passport application submitted by the petitioner on 07.06.2019 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 observation. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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KK/SAR/18.11.2019/2P-2C/