



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.23587 of 2019

WEB COPY

Vijayakumar

... Petitioner

vs.

1.The Regional Passport Officer,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Annanagar Police Station,
Madurai City, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication of the 1st respondent vide Token No.N-46 dated 17.06.2019 connected with the petitioner's passport application file No.MD1062160382919 and quash the same and direct the 1st respondent to issue him a passport.

For Petitioner : Mr.R.Venkateswaran

For Respondent : Mr.V.Kathirvelu

Assistant Solicitor General of India
assisted by Mr.K.Prabhu

Central Govt. Standing Counsel for R-1

Mr.B.Bhagavathi

Govt. Advocate for R-2

O R D E R

Mr.V.Kathirvelu, learned Assistant Solicitor General of India, takes notice on behalf of the first respondent. Mr.B.Bhagavathi, learned Government Advocate, takes notice on behalf of the second respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.This writ petition has been filed challenging the impugned communication of the 1st respondent vide Token No.N-46, dated 17.06.2019 connected with the petitioner's passport application file No.MD1062160382919 and also to direct the 1st respondent to



issue a passport to the petitioner.

4.The petitioner has applied for a passport vide application No. MD1062160382919 on 29.05.2019. The passport was not issued on the ground that F.I.R is pending against the petitioner. Therefore, the first respondent directed the petitioner to appear for enquiry, therein, the petitioner was informed about the adverse report given by the second respondent Police and directed him to get the status of the criminal case. As on date, according to the petitioner, it is at the F.I.R stage. Therefore, there is no bar for granting a passport.

5.Per contra, the learned Government Advocate appearing for the second respondent would submit that the respondent Police has filed a final report and it is likely to be taken on file next week.

6.The learned Assistant Solicitor General of India would submit that even though pendency of F.I.R is not a bar for granting passport, a second verification will be done before issuance of passport.

7.I have heard the submission of both sides.

8.Considering the above factual circumstances, I am of the considered opinion that even though the criminal complaint filed against the petitioner is still pending in F.I.R stage, it is not a bar for granting passport. However, as stated by the learned Assistant Solicitor General of India, if charge-sheet is filed, the respondent shall follow the procedure in GSR No.570(E), Ministry of External Affairs, dated 25.08.1993. Since a second verification is there, it is always open to the first respondent to get the status of the criminal case before issuing the passport and act in accordance with GSR No.570(E), Ministry of External Affairs, dated 25.08.1993. Hence, a direction is issued to the first respondent to process the petitioner's application for passport and issue appropriate order within a period of four weeks from the date of receipt of a copy of this order.

9.Accordingly, this writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



vs

To:

1.The Regional Passport Officer,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Annanagar Police Station,
Madurai City, Madurai.

+1 CC to M/s.SGP (SR-97272[F] dated 11/11/2019)

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