



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.23582 of 2019

WEB COPY

Raja Usain Vahab Abdul Hameed

... Petitioner

vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai-02.

2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City,
Madurai.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the 1st respondent to issue passport by renewing the petitioner's passport bearing No.G6629055 on the basis of his representation dated 05.07.2019 within the time stipulated by this Honourable Court and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mrs.J.Padmavathi Devi

Special Government Pleader for R-1

Mr.V.Kathirvelu

Assistant Solicitor General of India

assisted by Mr.K.Prabhu

Central Government Standing Counsel for R-2

O R D E R

This writ petition has been filed for issuance of a direction, directing the 1st respondent to issue passport by renewing the petitioner's passport bearing No.G6629055 on the basis of his representation dated 05.07.2019 within the time stipulated by this Court.

2.The petitioner is a resident of Meenakshi Nagar, New Ramnad Road, Madurai City. He has already possessed a passport. Since the same was expired on 26.11.2017, he applied for renewal of passport with the first respondent. On 24.06.2019, the first respondent issued a letter to the petitioner informing that the first



respondent has received an adverse police verification report and further, in the said letter, the first respondent instructed the petitioner to furnish proper explanation for the adverse police report in connection with a criminal case in Cr.No.942 of 2016, which was registered for the offences under Sections 143 and 188 I.P.C on the file of the second respondent Police Station. Further, in the said letter, the petitioner was directed to appear before the first respondent with all his original documents within a period of 30 days. Thereafter, the petitioner came to know that Cr.No.942 of 2016 was registered on 22.11.2016 as against 50 persons and the said case was registered with regard to an agitation conducted by one political party against the Government's decision of demonetization. Pursuant to the same, the petitioner appeared before the first respondent in person and submitted his explanation on 05.07.2019. Till date, the first respondent has not issued the passport on the ground that criminal case is pending.

3.According to the petitioner, the above mentioned crime number has been closed 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 Special Government Pleader appearing for the first respondent would submit that F.I.R in Cr.No.942 of 2016 registered against the petitioner was closed. As of today, no criminal proceedings are pending against the petitioner and there is no bar for the respondent to renew the passport.

5.Considering the submissions of the learned counsel for the respondents and also considering that no criminal case is pending, I am of the view that there is no bar for grant of passport. Hence, a direction is given to the first respondent to consider the representation of the petitioner, dated 05.07.2019, submitted by the petitioner in person and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Vs



To

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai-02.

2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City,
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+1 CC to Mr.J.LAWRANCE, Advocate (SR-97080[F] dated 08/11/2019)

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