



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.19692 of 2018

WEB COPY

Vinoth

... Petitioner

vs.

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

2) The Passport Officer,
Passport Seva Kendra,
South Bye Pass Road,
Tirunelveli.

3) The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.

... Respondents

** R3 is impleaded vide Court order dated 09.07.2019 in W.M.P. (MD) No.19917 of 2018 in W.P. (MD) No.19692 of 2018.*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to issue passport based on the petitioner's application No.MD2061062584718 dated 28.03.2018 within a stipulated time as framed by the Court.

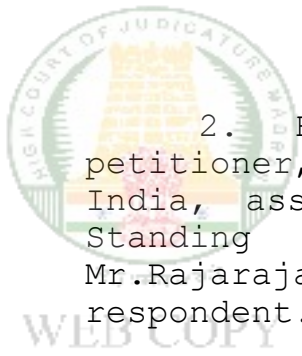
For Petitioner : Mr.R.Mohanasundaram

For RR 1 & 2 : Mr.V.Kathirvelu,
Additional Solicitor General of India
Assisted by
Mr.V.Malaiyendran,
Central Govt.Standing Counsel

For R3 : Mr.Rajarajan,
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus directing the respondents to issue passport based on the petitioner's application No.MD2061062584718 dated 28.03.2018 within a stipulated time as framed by the Court.



2. Heard Mr.R.Mohanasundaram, learned counsel for the petitioner, Mr.V.Kathirvelu, learned Additional Solicitor General of India, assisted by Mr.V.Malaiyendran, learned Central Government Standing Counsel for the first and second respondents and Mr.Rajarajan, learned Government Advocate appearing for the 3rd respondent.

3. The petitioner in order to get a passport, made an application to the second respondent vide application No.MD2061062584718 dated 28.03.2018. Since the said application has not been considered and passport has not been issued, the petitioner has filed this writ petition with the aforesaid prayer.

4. I have heard Mr.V.Kathirvelu, learned Additional Solicitor General of India appearing for the first and second respondents, who would submit that, while scrutinising the application, the second respondent office received an adverse report from the third respondent police stating that there has been a criminal case pending against the petitioner on the file of the third respondent in Crime No.126 of 2017. Since the facts of the said criminal case is not known to the second respondent and the petitioner, despite notice given on 12.04.2019, has not responded, the said application has been kept pending .

5. Today, the case is posted for hearing for getting instructions from the third respondent to ascertain the stage of the criminal case pending against the petitioner and when the case is taken up for hearing, Mr.Rajarajan, learned Government Advocate for the third respondent, on instructions, would submit that, the said case in F.I.R. No.126 of 2017 on the file of the third respondent police against the petitioner has been investigated and after investigation, it has been referred as 'Action Dropped' and the action dropped report also has been filed before this Court, dated 20.08.2017.

6. I have considered the said submission made by the learned counsel appearing for the parties and perused the documents filed before this Court including the report of the third respondent.

7. Since the case which was filed against the petitioner in F.I.R. No.126 of 2017 was kept pending for some time and after investigation, the third respondent police has come to a conclusion that no action needs to be taken and accordingly, action has been dropped and the report to that effect is also sent to the concerned authority, as of now, there is no case pending against the petitioner and therefore, there can be no further impediment for the second respondent Passport Issuing Authority to decide the application of the petitioner dated 28.03.2018 on its own independent merit.



8. In view of the above, this Writ Petition is disposed of with the following direction:-

"that the first respondent is directed to process the application of the petitioner dated 28.03.2018 and in this regard, if any further document is required, notice can be issued to the petitioner and on receipt of the same, the petitioner shall appear before the first respondent and produce all those required documents and after completing the process, the first respondent shall pass orders on the said application on merits and in accordance with law with regard to the issuance of passport, within a period of four (04) weeks from the date of receipt of a copy of this order.

With these directions, Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1) The Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai.
- 2) The Passport Officer,
Passport Seva Kendra,
South Bye Pass Road,
Tirunelveli.
- 3) The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.

+1 CC to Mr.V.MALAIYENDRAN, Advocate SR-76298.
+1 CC to SPL GP SR-76388.
+1 CC to Mr.R.MOHANASUNDARAM, Advocate SR-76132.

Order made in

W.P. (MD) No.19692 of 2018

Dated:

18.07.2019