



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P(MD)No.23871 of 2019

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Santhosh

... Petitioner

Vs.

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

2.The Superintendent of Police,
Kanyakumari District
at Nagercoil.

3.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to issue Passport against petitioner application vide file No.MD 2060292737917 dated 31.05.2017.

For Petitioner : Mr.A.Balakrishnan

For R1 : Mr.S.Pon Senthilkumaran

For R2 & R3 : Mr.P.Kannithevan

Additional Government Pleader

ORDER

Mr.S.Pon Senthilkumaran, learned counsel takes notice on behalf of the first respondent and Mr.P.Kannithevan, learned Additional Government Pleader takes notice on behalf of the respondents 2 and 3. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner made an application for issuance of passport on 31.05.2017. The first respondent, after having received an adverse report from the police, on 05.07.2017 directed the petitioner to appear before the authorities on 21.11.2017 for giving his explanation to the same. Since the petitioner did not appear before the authorities, on 07.12.2017, his file was closed. Thereafter, on 31.12.2017, the petitioner made a representation for issuance of passport. According to the petitioner, pendency of FIR



is not a bar for granting passport. Therefore, he seeks a direction to the respondents to issue passport.

3.Mr.S.Pon Senthilkumaran, learned counsel appearing on behalf of the first respondent would submit that once the file is closed, the petitioner has to make a fresh application before the authority concerned.

4.From the submissions made above, it is noted that on 07.12.2017, the file with regard to passport application of the petitioner was closed. Even though pendency of FIR is not a bar for grant of passport, the petitioner should have appeared and explained the same to the respondents. When he was called for enquiry, without appearing and submitting any explanation, the petitioner, at this stage, seeks issuance of passport on a closed file. Considering the facts and circumstances, a direction is given to the petitioner to file a fresh application before the first respondent for issuance of passport and on receipt of the same, the first respondent is directed to dispose of the same within a period of four weeks thereafter.

5.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

mj

To

- 1.The Superintendent of Police,
Kanyakumari District
at Nagercoil.
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
- 3.The Regional Passport Officer,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai.

+1 CC to Mr.S. PON SENTHILKUMARAN, Advocate (SR-97973[F] dated

<https://hcservices.ecourts.gov.in/>



+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-98215[F] dated
14/11/2019)
+1 CC to Spl.GP (SR-98835[F] dated 15/11/2019)

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