



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.24666 of 2019

Aloy

.. Petitioner

Vs.

- 1.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002,
Tamil Nadu.
- 2.The Superintendent Enquiry Officer,
Regional Passport Office,
Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002,
Tamil Nadu.
- 3.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus direct the 1st respondent to renew the petitioner's passport on the petitioner's application No.MD2072222594319 based on his reply dated.21/06/2019.

For Petitioner : Mr.C.Susi Kumar

For R1 & R2 : Mr.V.Kathirvelu
Assistant Solicitor General
assisted by Mrs.Raghaventhre
Central Government Standing Counsel

For R3 : Mr.P.Kannithevan
Additional Government Pleader



ORDER

Mr.V.Kathirvelu, learned Assistant Solicitor General, takes notice on behalf of the respondents 1 and 2 and Mr.P.Kannithevan, learned Additional Government Pleader, takes notice on behalf of the third respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner is a holder of passport bearing No.J7696900, issued by the first respondent. On 21.06.2019, he made an application for renewal, vide application No.MD2072222594319. After police verification, the first respondent sought for clarification as to the pendency of Crime No.38/2019, registered under Sections 294(b), 323 and 506(i) IPC on the file of the Radhapuram Police Station. Pursuant to the same, the petitioner has sent his explanation. Since there was no progress, he sent a representation on 11.11.2019 to the first respondent. Till date, the first respondent has not issued passport on the ground that criminal case is pending.

3.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.

4.The learned Assistant Solicitor General appearing for the respondents 1 and 2 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.

5.Learned counsel Additional Government Pleader would submit that criminal case is still pending at the F.I.R stage and no further action has been taken.

6.Considering the submissions of both sides 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 first respondent to consider the application of the petitioner, dated 21.06.2019 in consonance with the representation made by him on 11.11.2019 and pass appropriate orders within a period of two months 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 (CS-II)

// True Copy //



To

- 1.The Regional Passport Officer,
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Tamil Nadu.
- 2.The Superintendent Enquiry Officer,
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Madurai,
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- 3.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

+1 CC to M/s.C. SUSI KUMAR, Advocate (SR-100950[F] 25/11/2019)

W.P (MD) No.24666 of 2019
22.11.2019

SDS (12.12.2019) 3P 5C