



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.24800 of 2019

Jeyaraj

.. Petitioner

Vs.

1.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Oothumalai Police Station,
Alangulam Post,
Tirunelveli District.

... Respondents

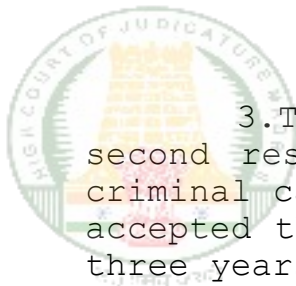
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to issue passport to the petitioner in file No.MD 2062412637319 dated 4.9.2019.

For Petitioner : Mr.H.Elango
For R1 : Mr.V.Kathirvelu
Assistant Solicitor General
assisted by Mr.K.Prabhu
Central Government Standing Counsel
For R2 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

Mr.V.Kathirvelu, learned Assistant Solicitor General, takes notice on behalf of the first respondent and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice on behalf of the second respondent. 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 in File No.MD 2062412637319 on 04.09.2019. The same is kept pending in view of pendency of the First Information Reports registered against the petitioner.



3.The learned Additional Government Pleader appearing for the second respondent would submit that the police have referred the criminal cases as 'mistake of fact'. However, the Magistrate has not accepted the same and passed any orders in this regard for the past three years.

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4.In that event, as per G.S.R.570(E) of the Notification dated 25.11.1993, issued by the Ministry of External Affairs, the petitioner has to approach the concerned Magistrate Court to get appropriate orders. The relevant portion of the said Notification is extracted hereunder for easy reference.

"G.S.R.570(E) - In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal Court in India and who produce orders from the Court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a)the passport to be issued to every such citizen shall be issued-

(i)for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii)if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

(iii)if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv)If such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order

(b)any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time,

provided the applicant has not travelled abroad for the



period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued."

5. In view of the same, the petitioner is directed to file a petition before the Judicial Magistrate, Alangulam. On such petition being filed, the Judicial Magistrate, Alangulam is directed to dispose of the same within a period of two weeks thereafter and on production of appropriate orders from the Magistrate, the first respondent is directed to process the petitioner's application in accordance with law.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1 The Judicial Magistrate, Alangulam,

2 The Regional Passport Officer, Bharathi ula veethi,
Race course road, Madurai-625 002.

3 The Inspector of Police,
Oothumalai Police Station,
Alangulam Post,
Tirunelveli District.

+1 CC to M/s. Special Government Pleader SR-100898 & 100811

+1 CC to M/s. H. ELANGO, Advocate (SR-100607[F] dated 22/11/2019)

W.P (MD) No.24800 of 2019
22.11.2019