



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.25530 of 2019

Suresh Kannan

... 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,
Pazhavor Police Station,
Tirunelveli District.

... 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 on the petitioner's application with File No.MD2062527125919 dated 21.10.2019 based on his representation dated 21.11.2019.

For Petitioner : Mr.C.Susi Kumar
For Respondents : Mr.S.Pon Senthil Kumaran for R-1
Mr.J.Gunaseelan Muthaiah
Addl. Govt. Pleader for RR-2 & 3

O R D E R

This writ petition has been filed for issuance of a direction, directing the 1st respondent to issue passport on the petitioner's
<https://hcservices.ecourts.gov.in/hcservices/>



application with File No.MD2062527125919 dated 21.10.2019 based on his representation dated 21.11.2019.

2.The petitioner is a resident of Keelkulam, Erukkandurai, Tirunelveli District. He applied for a passport with the first respondent. After police verification, the first respondent sought for clarification as to the pendency of Cr.No.36/2019, which was registered under Section 379 I.P.C on the file of the Pazhavor Police Station, Tirunelveli District. Pursuant to the same, the petitioner submitted his reply. Thereafter, he has also sent a representation to the respondents on 21.11.2019. Till date, the first respondent has not issued the passport on the ground that criminal case is pending.

3.According to the petitioner, the 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 counsel appearing for the first respondent 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 Additional Government Pleader appearing for the respondents 2 & 3 would submit that case is still pending at the F.I.R stage and no further action has been taken.

6.Considering the submissions of the learned counsel for the respondents and also considering that the criminal case is still 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 representation of the petitioner, dated 21.11.2019 in consonance with the explanation submitted by the petitioner, 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-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Regional Passport Officer,
The Regional Passport Officer,
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,
Pazhavor Police Station,
Tirunelveli District.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-103168[F] 03/12/2019)
+1 CC to M/s.Special Govt. Pleader (SR-102981[F] dated 02/12/2019)
+1 CC to M/s.Special Govt.Pleader (SR-102996[F] dated 02/12/2019)

W.P. (MD) No.25530 of 2019
29.11.2019

vs
SDS/06.01.2020/3P-7C