



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **04.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P (MD)No.25868 of 2019

A.Chandran

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Trichirapalli.

2.The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's application No.TR2062589149519 and Application Reference Number ARN 19-1010698997 and issue passport to the petitioner forthwith.

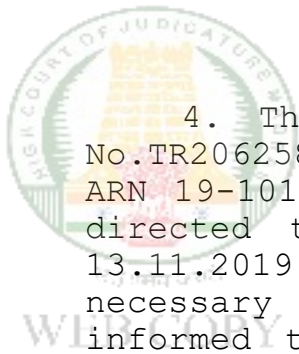
For Petitioner	: Mr.M.Gangatharan
For R-1	: Mr.V.Kathirvelu, Assistant Solicitor General of India, assisted by Mrs.B.Deepa Central Government Standing Counsel
For R-2	: Mr.M.Rajarajan, Government Advocate

ORDER

Mr.V.Kathirvelu, learned Assistant Solicitor General of India, assisted by Mrs.B.Deepa, learned Central Government Standing Counsel, takes notice for the first respondent and Mr.M.Rajarajan, learned Government Advocate takes notice for the second respondent.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's Application No.TR2062589149519 and Application Reference Number ARN 19-1010698997 and issue passport to the petitioner forthwith.



4. The petitioner applied for a passport under Application No.TR2062589149519 and Application Reference Number ARN 19-1010698997 before the first respondent. The petitioner was directed to appear before the first respondent for enquiry on 13.11.2019 and the petitioner has also appeared in person with all necessary documents. During personal enquiry, the petitioner was informed that an adverse police report was received against him stating that a criminal case is pending in Keeramangalam Police Station and therefore, he is not eligible to get a passport. Hence, the petitioner has come forward to file this writ petition for the above stated relief.

5. The petitioner's complaint is that there is only an F.I.R pending from the year 2007. When there is no offence, which has been taken cognizance by any criminal Court, which cannot be treated as a proceeding pending before the criminal Court even as per the notification issued by the Ministry of External Affairs, New Delhi, dated 25.08.1993 in G.S.R.No.570(E) and following the same, orders were also passed directing the authorities to issue passport. It will be useful to extract the relevant portion of the said notification:

"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.."

6. In view of the above, the writ petition is disposed of, directing the first respondent to issue a passport to the petitioner, if everything is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //



1.The Regional Passport Officer,
The Regional Passport Office,
Trichirapalli.

2.The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.

+1 CC to Mr.M.GANGATHARAN, Advocate (SR-103333[F] dated 04/12/2019)

+1 CC to M/s.B.DEEPA, Advocate (SR-103342[F] dated 04/12/2019)

+1 CC to SPL GP (SR-103578[F] dated 05/12/2019)

W.P (MD) No.25868 of 2019

04.12.2019

MK (31.12.2019) 3P 6C