



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.12.2019**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.27097 of 2019

and

W.M.P(MD)No.23441 of 2019

R.Pandian

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Passport and Visa Division,
Rep. By its under Secretary,
South Block,
New Delhi.

2.The Regional Passport Officer,
O/o.Regional Passport Office,
W.B.Road,
Tiruchirappalli - 620

008.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent bearing no nil dated 30.05.2019 and quash the same consequently direct the second respondent to issue a passport to the petitioner as per his application bearing No.TR1061468320918 without reference to the pending criminal cases, within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.Siva Ilayaraja

For R-1 & R-2 : Mr.V.Kathirvelu,

Assistant Solicitor

General of India, assisted by

Mrs.S.Ragaventhre

Central Government Standing Counsel

ORDER

Mr.V.Kathirvelu, learned Assistant Solicitor General of India, assisted by Mrs.S.Ragaventhre, learned Central Government Standing Counsel, takes notice for the respondents.



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

3. This Writ petition has been filed by the petitioner challenging the rejection order passed by the second respondent bearing no nil dated 30.05.2019 and for a consequential direction, directing the second respondent to issue a passport to the petitioner as per his application bearing No.TR1061468320918, without reference to the pending criminal case.

4. It is stated in the affidavit filed in support of this writ petition that a case in Crime No.65 of 2015 was registered against the petitioner for the offence under Sections 178, 148, 294(b) of I.P.C and Section 3(1) of PPDL Act and the same is pending trial before the learned Judicial Magistrate No.II, Mannargudi and yet another case in Crime No.189 of 2014 was also registered against the petitioner for the offence under Sections 147, 148, 188 and 285 of I.P.C and the said case is also pending before the same Court.

5. Following the notification issued by the Ministry of External Affairs, New Delhi, dated 25.08.1993 in G.S.R.No.570(E), orders were also passed directing the authorities to issue the 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. Therefore, this Court is of the view that when the charge sheet is filed and the case is pending before the Court below, it is open to the petitioner to approach the concerned Court and get appropriate orders with respect to the relief sought for herein. Once permission is granted by the Court concerned, it is open to the petitioner to produce the same before the first respondent and the first respondent is to consider the same and issue a passport if everything is otherwise in order.



With the above direction, this writ petition is disposed of.
No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Under Secretary,
Government of India,
Ministry of External Affairs,
Passport and Visa Division,
South Block,
New Delhi.
- 2.The Regional Passport Officer,
O/o.Regional Passport Office,
W.B.Road,
Tiruchirappalli - 620 008.

W.P (MD) No.27097 of 2019

20.12.2019

VB (07.01.2020) 3P 3C