

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.15778 of 2017

Vaithilingam Ganesan

..Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Sasthri Bhavan, Nungambakkam,
Chennai - 600 034.

2.The Regional Passport Officer,
Passport Seva Kendra,
Plot No.A5,
Salai Road and Shastri Road Junction,
Thillai Nagar, Thiruchirapalli - 620 017.

3.The Inspector of Police,
Andimadam Police Station,
Ariyalur,Ariyalur District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing the 2nd respondent to issue passport to the petitioner based on his application vide file No.TR2060252854117 forthwith.

For Petitioner : Mr.K.Balu
For Respondent 1 : No appearance
For Respondent 2 : Mr.K.Thirukumaran
For Respondent 3 : Mr.R.S.Selvam
Government Advocate

O R D E R

This writ petition has been filed for a mandamus to direct the second respondent to issue passport to the petitioner based on his application vide file No.TR2060252854117.

2. It is the case of the petitioner that he applied for passport on 10.05.2017 with the first respondent in file No.TR2060252854117. According to the petitioner, the said application was not processed, since criminal cases were pending against the petitioner. According to the petitioner, as of now,

there are no criminal cases pending against him. In such circumstances, this writ petition has been filed.

3. Heard Mr.K.Balu, learned counsel for the petitioner and Mr.K.Thirukumaran, learned counsel for the second respondent.

4. Learned counsel for the petitioner has brought the notice of this Court that the criminal case C.C.No.9 of 2017 which was earlier pending against the petitioner before learned Judicial Magistrate-II, Jeyankondam ended in acquittal by orders of the learned Magistrate dated 22.09.2017. Insofar as criminal complaint lodged against the petitioner in crime No.322 of 2016 before the Inspector of Police, Andimadam Police station is concerned, the police report filed against the petitioner has been rejected by the learned Judicial Magistrate, Jayankondam on 26.09.2019. The order dated 22.09.2017 passed in C.C.No.9 of 2017 as well as the order dated 26.09.2019 passed by the learned Judicial Magistrate, Jayankondam referred to supra has been produced by the learned counsel for the petitioner before this Court today.

5. The learned counsel for the second respondent also submits that as on date, there is no criminal case pending against the petitioner.

6. Recording the submissions of the learned counsels appearing on both sides as well as the order dated 22.09.2017 passed by the learned Judicial Magistrate-II, Jayankondam acquitting the petitioner and the order dated 26.09.2019 passed by the learned Judicial Magistrate, Jayankondam, rejecting the report filed by the police, this Court is of the considered view that the petitioner is now entitled to get a passport in his name, if he satisfies all other conditions as required by the second respondent. Accordingly, this court directs the petitioner to file a fresh application seeking for passport in his name before the second respondent and the second respondent shall issue a passport subject to the fulfilment of all the requirements under the Passport Act and its rules.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

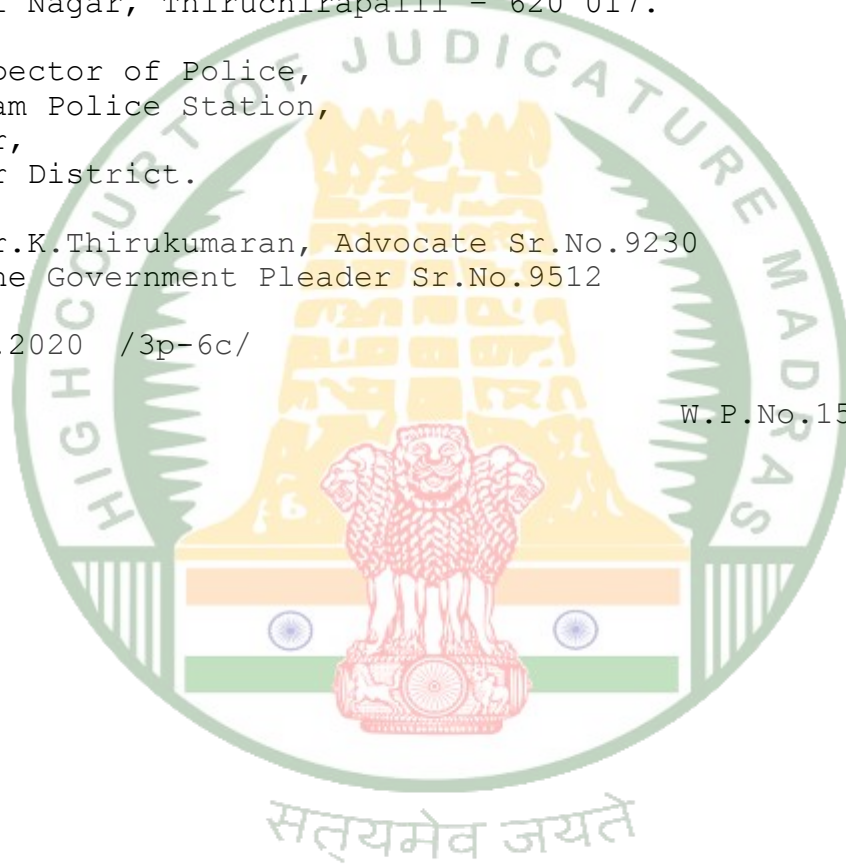
To

- 1.The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Sasthri Bhavan, Nungambakkam,
Chennai - 600 034.
- 2.The Regional Passport Officer,
Passport Seva Kendra,
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Thillai Nagar, Thiruchirapalli - 620 017.
- 3.The Inspector of Police,
Andimadam Police Station,
Ariyalur,
Ariyalur District.

+1cc to Mr.K.Thirukumaran, Advocate Sr.No.9230
+1cc to The Government Pleader Sr.No.9512

AKM/10.02.2020 /3p-6c/

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