



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.270 of 2020

and

W.M.P(MD)No.218 of 2020

M.Shakul Shirajideen

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India Ministry of External Affairs,
Regional Passport Office,
Madurai.

2.The Passport Officer,
Government of India Ministry of External Affairs,
Regional Passport Office,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to hand over the petitioner's passport No.Z5448357 to the petitioner based on the petitioner's representation dated 20.12.2019.

For Petitioner : Mr.S.Kameswaran

For Respondents : Mrs.S.Ragaventhre

Central Government Standing Counsel

ORDER

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 praying for issuance of a Writ of Mandamus, directing the respondents to hand over the petitioner's passport No.Z5448357 to the petitioner based on his representation dated 20.12.2019.

4. The case of the petitioner is that he is having passport bearing No.Z5448357. Since the first respondent received an adverse police report, the petitioner was directed to surrender his passport and accordingly, he has surrendered his passport on 26.11.2019.



5. The petitioner's complaint is that there is only an F.I.R pending from the year 2017. 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 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. In view of the above, the first respondent is directed to hand over the passport, which was surrendered by the petitioner, within a period of two weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

To:

1.The Regional Passport Officer,
Government of India Ministry of External Affairs,
Regional Passport Office,
Madurai.



2.The Passport Officer,
Government of India Ministry of External Affairs,
Regional Passport Office,
Madurai.

WEB COPY

+1 CC to M/s.S.KAMESHWARAN, Advocate (SR-742[F] dated 08/01/2020)

W.P (MD) No.270 of 2020
08.01.2020

NS (CO)
TR(10.01.2020) 3P 4C