



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.01.2020

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P(MD)No.404 of 2020**

S.Raveendran

... Petitioner

Vs.

1.The Regional Passport Officer,  
Regional Passport Office,  
Madurai,Bharathi Ula Veethi,  
Race Course Road,  
Madurai - 625 002.

2.The Inspector of Police,  
Kudankulam Police Station,  
Tirunelveli 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 reissue a passport to the Petitioner by considering his passport application vide File No.MD2072548494519, dated 28.10.2019 within the time stipulated by this Court.

|                  |                                                                                                              |
|------------------|--------------------------------------------------------------------------------------------------------------|
| For Petitioner   | : Mr.A.Kesavan                                                                                               |
| For Respondent-1 | : Mr.V.Kathirvelu<br>Asst. Solicitor General<br>assisted by Mr.C.Nandagopal<br>Central Govt.Standing Counsel |
| For Respondent-2 | : Mrs.J.Padmavathi Devi<br>Special Govt.Pleader                                                              |

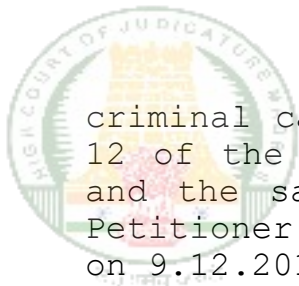
**ORDER**

Mr.V.Kathirvelu, learned Assistant Solicitor General, assisted by Mr.C.Nandagopal, learned Central Government Standing Counsel takes notice for the first respondent and Mrs.J.Padmavathi Devi, learned Special Government Pleader 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 reissue a passport to the Petitioner by considering his passport application vide File No.MD2072548494519, dated 28.10.2019 within the time stipulated by this Court.

4. The case of the petitioner is that he is having passport bearing No.J4961921. Since the Petitioner wants to change the old address into the present address he submitted a representation on 2012.2019. In the meanwhile the Petitioner was implicated in a



criminal case in Crime No.116 of 2019 for the offence under Section 12 of the Tamil Nadu Gambling Act, 1930 and an FIR was registered and the same is pending. Yet another case registered against the Petitioner was quashed by this Court in CrI.O.P(MD)No.18430 of 2019, on 9.12.2019.

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5. The petitioner's complaint is that there is only an F.I.R pending from the year 2019. 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 14<sup>th</sup> 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 reissue the passport to the Petitioner considering his passport application vide File No.MD2072548494519, dated 28.10.2019 within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of No Costs.

8. Post the matter under the caption 'for reporting compliance' on 23.1.2020.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To:

- 1.The Regional Passport Officer,  
Regional Passport Office,  
Madurai,  
Bharathi Ula Veethi,  
Race Course Road,  
Madurai - 625 002.
- 2.The Inspector of Police,  
Kudankulam Police Station,  
Tirunelveli District.
- 3.The Section Officer, Writ Section,  
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.A.KESAVAN, Advocate ( SR-1002[F] dated 09/01/2020 )  
+1 CC to M/s.SPL.GP ( SR-1350[F] dated 10/01/2020 )  
+1 CC to M/s.C.NANDAGOPAL, Advocate ( SR-1293[F] dated 10/01/2020 )

**W. P (MD) No. 404 of 2020**

**09.01.2020**

**SMA/24/01/2020/3P/7C**