



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1181 of 2020

WEB COPY

Ganesan

... Petitioner

-Vs-

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Municipal Water Tank Building,
W.B. Road, Trichirappalli-620 008.

2.State Rep. by
The Inspector of Police,
K.Pudhupatti Police Station,
Pudukkottai District.

... Respondents

[2nd respondent is impleaded vide order dated 29.01.2020
in W.M.P.(MD)No.1414 of 2020]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent not to make the adverse citing the Crime No.95 of 2019, on the file of the K.Pudupatti Police Station for issuing the Passport to the petitioner in File No.TR2072619007519 on the basis of the petitioner's representation dated 23.12.2019.

For Petitioner	: Mr.G.Mathavan
For R1	: Mr.V.Kathirvelu Assistant Solicitor General Assisted by Mr.V.Raghavendri
For R2	: Mr.M.Rajarajan Government Advocate

ORDER

Heard Mr.G.Mathavan, learned counsel appearing for the petitioner, Mr.V.Kathirvelu, learned Assistant Solicitor General assisted by Mr.V.Raghavendri, learned counsel appearing for the first respondent and Mr.M.Rajarajan, learned Government Advocate appearing for the second respondent.

2.The petitioner seeks issuance of passport. He had already given an application in this regard. The issuing authority had declined to issue passport in view of the implication of the petitioner in a criminal case.

3.The petitioner's counsel submitted that mere implication in a criminal case, when it is pending at the FIR stage cannot be a



ground for non-issuance of passport. Though the said submission is correct, it will not come to the rescue of the petitioner.

4.The learned Government Advocate points out that the case has since been charge sheeted and it is pending before the learned Judicial Magistrate, Thirumayam, in C.C.No.101 of 2019. The learned Government Advocate also give the hearing dates. Therefore, the petitioner has to necessarily move the Jurisdictional criminal Court for getting a direction in this regard. Giving liberty to the petitioner to move the Jurisdictional Criminal Court, the writ petition stands dismissed. I make it clear that I have not decided anything on merits. The petitioner's rights have not been affected in any way by the dismissal of the writ petition; it is for the criminal Court to take a call in the matter. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Municipal Water Tank Building,
W.B. Road, Trichirappalli-620 008.

2.The Inspector of Police,
K.Pudhupatti Police Station,
Pudukkottai District.

Copy to:

Judicial Magistrate,
Tirumayam, Pudukkottai district.

W.P. (MD)No.1181 of 2020
16.07.2020