



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2020**

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P (MD)No.1809 of 2020**

Sahaya Pradeep Eugin @ Kissan

... Petitioner

Vs.

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

2.The Superintendent of Police,  
Kanyakumari District,  
at Nagercoil.

3.The Inspector of Police,  
Karungal Police Station,  
Kanyakumari 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 issue passport against the Petitioner's application vide File No.MD2062508147719, dated 14.10.2019.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent-1 : Mr.V.Kathirvelu

Asst. Solicitor General  
assisted by Mrs.V.Raghaventhree  
Central Govt.Standing Counsel

For Respondent-2 : MrM.Murugan

Govt.Advocate

**ORDER**

Mr.V.Kathirvelu, learned Assistant Solicitor General, assisted by Mr.V.Raghaventhree, learned Central Government Standing Counsel takes notice for the first respondent and Mr.M.Murugan, learned Government Advocate 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 issue passport against the Petitioner's application vide File No.MD2062508147719, dated 14.10.2019.



4. The case of the petitioner is that the Petitioner has submitted an application for issuance of passport for the first time on 18.7.2017 vide File No.MD2060414314317 and it was informed to the Petitioner that the passport authorities have received adverse remarks from the Police in the previous application and directed the Petitioner to submit his explanation along with judgement. Accordingly on 12.09.2019 the Petitioner submitted his explanation and by reply, dated 16.09.2019, the first respondent informed the Petitioner that the Petitioner's application was closed on 11.02.2019 stating that the Petitioner has not submitted any explanation about the adverse remarks made by the Police and advised the Petitioner to submit a fresh application. Hence the Petitioner has submitted another application for issuance of passport vide File No.MD2062508147719, dated 14.10.2019. After receipt of the application on 22.10.2019, again the first respondent asked for explanation about the Petitioner's involvement in a criminal case in Crime No.299 of 2014, on the file of the third respondent and accordingly, the Petitioner had submitted his explanation on 8.11.2019 stating that the said case is a false one and still the above said case is in FIR stage and no charge sheet has been filed. The above said case was registered based on the complaint given by one Ramesh against 10 persons including the Petitioner, who is arrayed as sixth accused. Hence the Petitioner has come forward with this Writ Petition for the relief stated supra.

5. The petitioner's complaint is that there is only an F.I.R pending from the year 2014. 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 issue the passport to the Petitioner considering his passport application vide File No.MDMD2062508147719, dated 14.10.2019. 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.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To:

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

2. The Superintendent of Police,  
Kanyakumari District,  
at Nagercoil.

3. The Inspector of Police,  
Karungal Police Station,  
Kanyakumari District.

+1 CC to M/s.SPL.GP ( SR-4313[F] dated 31/01/2020 )

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate ( SR-4273[F]

**ORDER MADE IN**

**W.P(MD)No.1809 of 2020**

**30.01.2020**

**SMA/14/02/2020/3P/6C**