



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.03.2020

CORAM:

THE HONOURABLE JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.1213 of 2020

Niranjan Kumar Srinivasan

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Street, Race Course Road,
Madurai-6215 002.

2.The Inspector of Police,
Dindigul Town West Police Station,
Dindigul.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to issue passport in bearing No.Z4625908, which is in the custody of the first respondent office, due to adverse inputs received from the second respondent on the basis of the petitioner's representation dated 12.01.2020, within the time stipulated by this Court.

For Petitioner: Mr.J.Lawrance

For R-1 : Mr.V.Kathirvelu
Assistant Solicitor General
assisted by Ms.B.Deepa
CSSC

For R-2 : Mr.V.Anand
Government Advocate



O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the first respondent viz., The Regional Passport Officer, Office of the Regional Passport Office, Bharathi Ula Street, Race Course Road, Madurai-6215 002, to issue a passport bearing Registration No.Z4625908, to the petitioner, which is now in the custody of the first respondent.

2. It is stated that the petitioner, who is working in a private concern, has an opportunity to go abroad. He has a passport bearing Registration No.Z4625908. Unfortunately, the petitioner, has got himself involved in an altercation with his neighbours in a car parking dispute, which led to registration of an First Information Report in Crime No.287 of 2016, by the Inspector of Police, Dindigul Town West Police Station, for the offences under Sections 147, 294 (b), 324 and 506 (i) of I.P.C. Pursuant to filing of a final report, the same has been taken cognizance by the learned Judicial Magistrate No.1, Dindigul, in C.C.No.12 of 2017 and it is stated that the said calender case is still pending.

3. Mr.V.Kathirvelu, learned Assistant Solicitor General, representing the first respondent, draws attention of this Court to the notice issued by the Ministry of External Affairs, dated 25.08.1993, whereby, a direction had been given that in respect of citizens against whom the proceedings in respect of offences alleged to have been committed by them are pending before any criminal Court, then, they must produce the orders from the Court concerned permitting them to depart from this country. The learned Assistant Solicitor General has also placed reliance on an unreported order of this Court, dated 22.02.2018, in **W.P.(MD).No.3706 of 2018** in the case of **S.Rishidharan Vs. The Ministry of Foreign Affairs, Government of India, represented by its Secretary, New Delhi and others)**, wherein, a learned Single Judge of this Court in a similar circumstances, directed the petitioner to approach the concerned trial Court and make an application seeking permission to travel abroad and if it is so filed, the trial Court was directed to consider the application and pass appropriate orders as expeditiously as possible. It is relevant to note Section 6 (2) (f) of the Passport Act. In the present case, the Calender Case No.12 of 2017, is pending. Therefore, a direction is issued in accordance with the reasonings as stated in W.P.(MD).No.3706 of 2018, referred supra and in accordance with the notification of the Ministry of External Affairs, dated 25.08.1993, to the petitioner, to file necessary application before the learned Judicial Magistrate No.I, Dindigul, seeking permission to go abroad by giving reasons and if such application is filed, it is hoped that the learned Judicial



Magistrate No.I. Dindigul, would pass an order on or before 31.03.2020.

4. with the above observations, the Writ Petition stands disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

1.The Judicial Magistrate No.I,
Dindigul.

2.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Street, Race Course Road,
Madurai-6215 002.

3.The Inspector of Police,
Dindigul Town West Police Station,
Dindigul.

+1 CC to M/s.B.DEEPAA, Advocate (SR-10479[F] dated 06/03/2020)
+1 CC to M/s.J.LAWRENCE, Advocate (SR-10533[F] dated 09/03/2020)
+1 CC to M/s.Special Govt.Pleader (SR-10551[F] dated 09/03/2020)

Order made in
W.P. (MD)No.1213 of 2020
Dated:06.03.2020

tsg
SDS (09.03.2020) 3P-7C