



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2020**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.2136 of 2020

Shahid Afridi

... Petitioner

Vs.

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

2.The Inspector of Police,
Thilakar Thidal Police Station,
Thilakar Thidal,
Madurai 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 a passport to the Petitioner based on his application in File No.MD1062740541520 within the time stipulated by this Court.

For Petitioner : Mr.R.Karunanidhi
For Respondent-1 : Mr.V.Kathirvelu
Asst. Solicitor General
assisted by
Mr.I.Sekar
Central Govt.Standing Counsel

For Respondent-2 : Mr.M.Murugan
Govt.Advocate

ORDER

Mr.V.Kathirvelu, learned Assistant Solicitor General, assisted by Mr.I.Sekar, learned Central Government Standing Counsel takes notice for the first respondent and MrM.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.

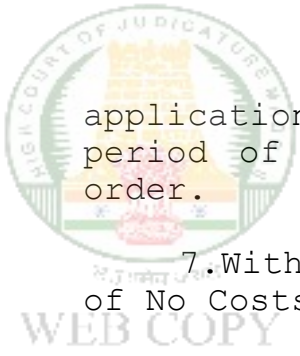
3. This Writ petition has been filed praying for issuance of a Writ of Mandamus, directing the first respondent to issue a passport to the Petitioner based on his application in File No.MD1062740541520 within the time stipulated by this Court.

4.The case of the petitioner is that he is a resident of Madurai and presently studying B.Sc(Psychology) in American College, Madurai and in order to get a passport, he submitted an application on 6.1.2020 through online and his application is in File No.MD1062740541520. While so, the Petitioner has attended the Police Verification at second respondent Police Station and it was informed that on 31.12.2019, a case was registered against the Petitioner in Crime No.1236 of 2019, for the offence punishable under Sections 341, 283 and 290 of IPC. Moreover, no notice was issued to the Petitioner regarding the registration of FIR against him. In this regard, the Petitioner has also sent a representation to the first respondent on 28.1.2020. Since the same has not been considered so far, the Petitioner has come forward with this Writ Petition.

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 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 issue the passport to the Petitioner considering his passport



application vide File No.MD1062740541520,dated 6.1.2020 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 (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

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

2.The Inspector of Police,
Thilakar Thidal Police Station,
Thilakar Thidal,
Madurai District.

+2 CC to M/s.I.SEKAR, Advocate (SR-4694[F] dated 04/02/2020)

+1 CC to M/s.R.KARUNANITHI, Advocate (SR-4722[F] dated 04/02/2020)

+1 CC to M/s.Special Govt.Pleader (SR-4762[F] dated 05/02/2020)

ORDER MADE IN

W.P (MD)No.2136 of 2020

04.02.2020

vsn

KK(07.02.2020) 3P-7C