



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.2405 of 2020

WEB COPY

Davood

... Petitioner

Vs.

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

2) The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to reissue a passport to the petitioner based on his application in File Number. MD2072512593319 within a stipulated time that may be fixed by this Court.

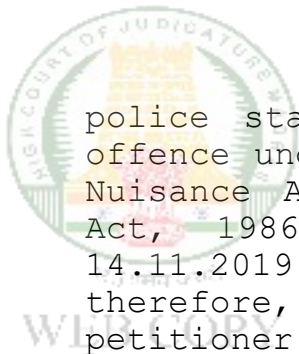
For Petitioner : Mr.R.Karunanidhi
For R-1 : Mr.S.Pon Senthil Kumar,
Central Govt. Standing Counsel
For R-2 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 1st respondent to reissue a passport to the petitioner based on his application in File Number. MD2072512593319 within a stipulated time that may be fixed by this Court.

3. The case of the petitioner is that the petitioner's passport bearing No.G2592877 expired on 12.06.2017. Therefore, the petitioner applied for re-issuance of passport on 13.10.2019 through online. On 22.10.2019, the 1st respondent had issued a notice seeking for clarification informing the petitioner that the office of the first respondent received adverse remarks from the second respondent



police station regarding the petitioner's involvement in alleged offence under section 188 of IPC r/w section 3-A of Tamil Nadu Town Nuisance Act, 1998 and section 15(2) of Environmental Protection Act, 1986. The petitioner had submitted his explanation on 14.11.2019 and a detailed representation on 27.01.2020 and therefore, there is no legal impediment to re-issue passport to the petitioner. However, the respondent has refused to re-issue passport to the petitioner.

4. 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.."

5. In view of the above, the first respondent is directed to re-issue passport to the petitioner considering his passport application vide File No. MD2072512593319 within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1) The Regional Passport Officer,
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Bharathi Ula Veethi,
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Madurai 625 002

2) The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.

+1 CC to Mr.S.PON SENTHIL KUMARAN, Advocate (SR-6872[F] dated
18/02/2020)
+1 CC to SPL.GP (SR-7043[F] dated 19/02/2020)
+1 CC to Mr.R.KARUNANITHI, Advocate (SR-7211[F] dated 19/02/2020)

Order made in
W.P (MD) No.2405 of 2020
18.02.2020

MK (12.03.2020) 3P 6C