



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3035 of 2020

Suman Michael

... Petitioner

Vs.

1) The Regional Passport Officer,
Regional passport Office,
Bharath Ula Veethi,
Race Course Road, Madurai.

2) The Passport Seva Kendra,
No.13, South Bye Pass Road,
Xavier Colony, Tirunelveli.

3) The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

4) The Inspector of Police,
Panagudi Police Station,
Panagudi, Radhapuram Taluk,
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 issue passport to the petitioner with regard to the File No. MD207286883319 on the file of the 1st respondent within the time stipulated by this Court.

For Petitioner : Mr.S.R.Anbarasu

For RR 1 & 2 : Mr.V.Kathirvelu,

Assistant Solicitor General of India
Assisted by Ms.V.Raghaventhare,
Central Govt. Standing Counsel

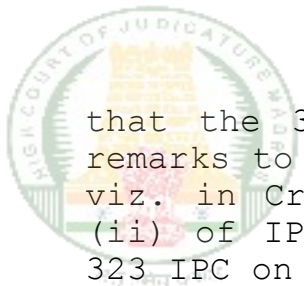
For RR 3 & 4 : Mrs.J.Padmavathi Devi,
Special Government Pleader

O R D E R

Ms.S.Ragaventharee, learned Central Government standing counsel takes notice on behalf of the respondents 1 & 2.

2. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 1st respondent to issue passport to the petitioner with regard to the File No. MD207286883319 on the file of the 1st respondent within the time stipulated by this Court.

3. The case of the petitioner is that he had applied for passport and subsequently, during police verification, it appears



that the 3rd and 4th respondents have given a report with adverse remarks to the effect that the petitioner has involved in two cases, viz. in Crime No.579 of 2019 under Sections 294(b), 323, 324, 506 (ii) of IPC and in Crime No.580 of 2019 under Sections 294(b) and 323 IPC on the file of the fourth respondent.

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4. The learned counsel for the petitioner submitted that the petitioner approached the 1st respondent office and offered his explanation that the cases implicated against him are kept in F.I.R. stage and therefore, there is no legal impediment to issue passport to the petitioner. However, the respondent has refused to issue passport to the petitioner.

5. 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 passport to the petitioner considering his passport application vide File No. MD207286883319 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-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To:

- 1) The Regional Passport Officer,
Regional passport Office,
Bharath Ula Veethi,
Race Course Road, Madurai.
- 2) The Passport Seva Kendra,
No.13, South Bye Pass Road,
Xavier Colony, Tirunelveli.
- 3) The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 4) The Inspector of Police,
Panagudi Police Station,
Panagudi, Radhapuram Taluk,
Tirunelveli District.

+1 CC to M/s.S.R.ANBARASU, Advocate (SR-6561[F] dated 17/02/2020)
+1 CC to M/s.SPL.GP (SR-6592[F] dated 17/02/2020)

Order made in

W.P(MD)No.3035 of 2020

Dated: **14.02.2020**

SMA/27/02/2020/3P/7C