



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.3190 of 2020

C.Stephen

... Petitioner

/vs./

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

2.The Passport Officer,
Passport Seva Kendra:Tirunelveli City,
No.13, South Bye Pass Road,
Xavier Colony,
Tirunelveli City - 627 005.

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

... Respondents

[R3 has been impleaded vide order dated 03.03.2020
in WMP(MD)No.3741 of 2020]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to reissue the passport for a period of minimum validity of ten years in the file No.MD2072332572519 dated 01.08.2019 to the petitioner pursuant to the petitioner's representation dated 12.12.2019.

For Petitioner	: M/s.C.Bharathi
For R1 & R2	: Mr.V.Kathirvelu Assistant Solicitor General assisted by Mr.S.Ragaventhre Central Government Standing Counsel
For R3	: Mrs.J.Padmavathi Devi Special Government Pleader

ORDER

The Writ Petition is filed in the nature of mandamus directing the respondents particularly the respondents 1 and 2/the Regional Passport Officer, Madurai and the Passport Officer, Tirunelveli City to reissue the passport for a period of minimum validity of ten years in the file No.MD2072332572519 dated 01.08.2019, pursuant to the petitioner's representation dated 12.12.2019.



2. Pending the writ petition, this Court had impleaded the Inspector of Police, Thuckalay Police Station, Thuckalay, Kanyakumari District as third respondent by an order dated 03.03.2020 in W.M.P. (MD) No.3741 of 2020.

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3. The petitioner claims that on 01.08.2019, he had applied for reissuing of his passport in filing No.MD2072332572519 and he was directed to appear before the second respondent/the Passport Officer, Tirunelveli City on 01.08.2019 at 11.09 am. He appeared and produced the relevant documents. They were scrutinized. Thereafter, the second respondent directed the petitioner to appear before the first respondent/the Regional Passport Officer, Madurai. The petitioner appeared before the first respondent on 08.08.2019. He submitted the documents. They were again scrutinized. The status was given as "granted" subject to police verification. The police report revealed that the respondent police had registered a case in Cr.No.852 of 2015 under Sections 147, 294(b), 353 and 506 (ii) IPC. Thereafter, once again the petitioner appeared before the respondents 1 and 2 and gave a representation. No action has been taken on such representation. Therefore, he approached this Court by way of this writ petition.

4. Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the third respondent and stated that investigation in Cr.No.852 of 2015, which had been registered for the offences under Sections 147, 294(b), 353

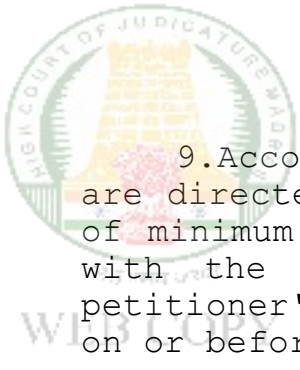
and 506 (ii) IPC, is still pending and the final report has not been filed before the jurisdictional Magistrate Court. It is normally called in FIR stage.

5. The learned Assistant Solicitor General is also present before this Court.

6. It is seen that if the investigation is not yet completed, it cannot be presumed that the final report will be filed as against the petitioner charging that he is involved in the offences.

7. In this case, investigation is not yet completed. The charge sheet will be based with materials gathered during the investigation. The Investigating Officer may file the charge sheet either charging or dropping the petitioner from all charges.

8. In view of these observations, it may not be proper to deny to reissue the passport of the petitioner. Therefore, I am of the firm opinion that the said argument holds substance. Since the final report had not been filed before the Jurisdictional Magistrate Court concerned, the petitioner is entitled for a mandamus as sought for in this writ petition.



9. Accordingly, the Writ Petition is allowed and the respondents are directed to reissue the passport of the petitioner for a period of minimum validity of ten years or such other years in accordance with the Rules, in file No.MD2072332572519 by considering the petitioner's application dated 12.12.2019 provided all other aspects on or before 03.04.2020. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

2.The Passport Officer,
Passport Seva Kendra:Tirunelveli City,
No.13, South Bye Pass Road,
Xavier Colony,
Tirunelveli City - 627 005.

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

+1 CC to M/s.C.BHARATHI, Advocate (SR-10953[F] dated 11/03/2020)

+1 CC to M/s.SPL.GP (SR-11053[F] dated 11/03/2020)

W.P. (MD) No.3190 of 2020
10.03.2020

VB(16.03.2020) 3P 6C