



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3396 of 2020

Ramanathan

... Petitioner

Vs.

1.The Passport Officer,
The Regional Passport Office,
Madurai.

2.The Inspector of Police,
Nainarkoil Police Station,
Ramnad 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 reissue the passport pending in MD1072318522319.

For Petitioner : Mr.M.Suresh Kumar

For R-1 : Mr.V.Kathirvelu,

Assistant Solicitor General of India,

Assisted by

Mrs.S.Raghaventhare

Central Government Standing Counsel

For R-2

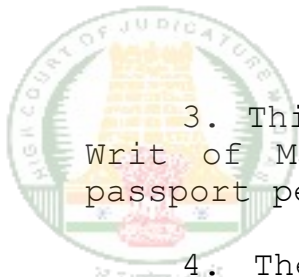
: Mrs.J.Padmavathi Devi,

Special Government Pleader

ORDER

Mr.V.Kathirvelu, learned Assistant Solicitor General of India, assisted by Mrs.S.Raghaventhare, learned Central Government Standing Counsel, takes notice for the first respondent and Mrs.J.Padmavathi Devi, learned Special Government Pleader 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 reissue the passport pending in MD1072318522319.

4. The petitioner had obtained a passport No.H8125406, dated 14.12.2009, which was valid up to 13.12.2019. Hence, he applied for renewal of passport within the time on 25.07.2019 and the same was taken on file as file No.MD1072318522319. Thereafter, the petitioner was asked to appear for an enquiry on 26.07.2019. The petitioner also appeared before the first respondent, wherein he was informed that after police verification, the passport will be reissued. Now, the first respondent is not renewing the passport on the ground that the police verification report shows that an F.I.R is pending against the petitioner in Crime No.368 of 2017 on the file of the Sivagangai Town Police Station.

5. The petitioner's complaint is that there is only an F.I.R pending from the year 2017. 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.

6. The learned Assistant Solicitor General of India appearing for the first respondent also submits that there is only an F.I.R pending against the petitioner and there is no impediment for reissuing the passport.

7. 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.."

8. In view of the above, the first respondent is directed to reissue the passport pending in MD1072318522319, to the petitioner,



within a period of four weeks from the date of receipt of a copy of this order. No Costs.

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// True Copy //

Sd/-

Assistant Registrar (CS I)

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Passport Officer,
The Regional Passport Office,
Madurai.

2.The Inspector of Police,
Nainarkoil Police Station,
Ramnad District.

+1 CC to M/s.SPL.GP (SR-7547[F] dated 21/02/2020)

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-7507[F] dated
21/02/2020)

W.P (MD) No.3396 of 2020

20.02.2020

KK/03.03.2020/3P-5C

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