



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.3606 of 2020

WEB COPY

Gokulakrishnan

... Petitioner

Vs

1.The Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichy - 620 008.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner based on the petitioner's application No.TR1062134050919 dated 20.05.2019 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.K.M.Karunakaran

For 1st Respondent : Mr.V.Kathirvelu

Additional Solicitor General

For Mr.C.Nandagopal

For 2nd Respondent : Mrs.J.Padmavathi Devi,

Special Government Pleader

ORDER

This writ petition has been filed in the nature of Mandamus seeking a direction to the first respondent namely, the Passport Officer, Regional Passport Office, Municipal Water Tank Building, W.B.Road, Trichy - 620 008, to issue passport to the petitioner based on the application No.TR1062134050919 dated 20.05.2019.

2.The petitioner has applied for a passport. The reason for such application is that the petitioner has decided to go to Philippines, where his son is studying, to see the son and also to pay the fees. Unfortunately, the petitioner has got entangled in a criminal offence leading to First Information Report in Crime No.343 of 2018, by the Inspector of Police, Ammapettai Police Station for the offence under Sections.147, 294(b), 448, 506(ii) and 379 of IPC. The said First Information Report has also been forwarded to the concerned Judicial Magistrate Court. As a matter of fact, the petitioner has also obtained Anticipatory Bail which has been granted by the I Additional District and Sessions Court, Thanjavur in Cr.M.P.No.194 of 2019, dated 10.01.2019.



3.Mr.V.Kathirvelu, learned Additional Solicitor General, who represents the first respondent, draw attention of this Court to the communication, dated 28.05.2019 by the Ministry of External Affairs, Regional Passport Office, Tiruchirappalli, where they have called upon the petitioner to come over to the Passport Office, Tiruchirappalli and explain the circumstances surrounding all the criminal offences and also requested the Petitioner to submit the required documents. Unfortunately, the petitioner not avail this opportunity. The first respondent has closed the file relating to TR1062134050919 dated 20.05.2019, which is the application form of the petitioner. This has also been communicated to the petitioner. In view of that fact that the only remedy to be available to the petitioner is to apply fresh for Passport. But he must ensure that the criminal case compromised or otherwise, he may again face the problem of the criminal case registered against him.

4.With the above observation, the writ petition is dismissed with liberty to the petitioner to apply for a fresh passport, depending on getting necessary clearance with respect to criminal case in Crime No.343 of 2018 for the offences under Sections 147, 294(b), 448 and 506(ii) of IPC by competent Court. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichy - 620 008.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

+1 CC to SPL GP (SR-9770[F] dated 03/03/2020)

+1 CC to Mr.K.M.KARUNAKARAN, Advocate (SR-9819[F] dated
03/03/2020)

W.P(MD)No.3606 of 2020

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