



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12688 of 2020

WEB COPY

Manikandan

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Represented by the Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai 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 renew and re-issue the petitioner's passport in passport No.H9180764 by considering petitioner's applications file No.MD1072974442920, dated 17.07.2020 as well as by considering the petitioner's explanation, dated 05.09.2020 within the time limit that may be stipulated by this Court.

For Petitioner: Mr.M.S.Jeyakarthik
For R1 : Mr.Balaji Krishnasamy
For R2 : Mrs.S.Srimathy
Special Government Pleader

O R D E R

Heard the learned counsel on either side.

2.The petitioner wants renewal and re-issuance of the petition mentioned passport. He had already given an application in this regard. The first respondent has not processed the petitioner's application citing the pendency of a criminal case against him. Therefore, this writ petition came to be filed.

3.It is not in dispute that Crime No.316 of 2016 was registered against the petitioner on the file of the second respondent. I wanted to know if the case has been taken on file by the Court below.

4.When the matter was taken up for hearing, the learned Special Government Pleader appearing for the second respondent



submitted that investigation is over and final report has also been filed. But the same is yet to be taken on file by the Court below. If the case has not been taken on file by the Court below, then obviously, the petitioner cannot move the Court below for any relief. If the case is pending at the FIR stage, then, that cannot be a bar for consideration of the petitioner's request. If on the other hand, the case had culminated into calender case or sessions case, then it is the trial Court that will have to grant relief. The case of the petitioner is neither here nor there. The case has since culminated into final report. It is yet to be taken on file.

5.In these circumstances, interest of justice will be satisfied, if the first respondent is directed to renew the petitioner's passport for a limited period. Thereafter, it is always open to the petitioner to go before the Court below for further directions. In this view of the matter, the first respondent is directed to renew and re-issue the petitioner's passport. The passport will be valid for a period of one year from the date of renewal.

6.The writ petition is allowed on these terms subject to fulfilment of conditions and if the petitioner is otherwise eligible. The petitioner has to fulfill other usual formalities.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RMI

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai - 625 002.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.

+1 CC to SGP (SR-18255[F] dated 28/09/2020)

+1 CC to Mr.M.S. JEYAKARTHIK, Advocate (SR-18290[F] dated
28/09/2020)

W.P. (MD)No.12688 of 2020

25.09.2020

SRK(CO)

KM (14.10.2020) 3P 5C