



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.14882 of 2020

(Through Video Conference)

WEB COPY

Muthusivasubramanian

... Petitioner

Vs.

1) The Government of India,
Ministry of External Affairs,
New Delhi.

2) The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road, Madurai 625 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to issue passport to the petitioner, on his application No.19-1011717719 dated 09.12.2019 pending disposal of F.I.R.No.446/2018 on the file of Periyakulam Police Station, Theni District within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.A.P.Rajasimman.

O R D E R

Mr.A.P.Rajasimman, learned counsel accepts notice for the respondents 1 and 2. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to issue Passport to the petitioner on his application No.19-1011717719, dated 09.12.2019 pending disposal of F.I.R.No.446/2018 on the file of Periyakulam Police Station, Theni District within a time frame to be fixed by this Court.

3. It is the case of the petitioner that, there is a civil dispute between the petitioner and one person named Pichai. According to the petitioner, even though the dispute is civil in nature, the police have registered a criminal case against the



petitioner in F.I.R.No.446/2018 on the file of Periyakulam Police Station, Theni District at the behest of Mr.Pichai.

4. It is the case of the petitioner that he applied for a passport with the second respondent on 09.12.2019. But, till date, the passport has not been issued to him since the F.I.R. is pending against the petitioner. The petitioner also states that the pendency of F.I.R. will not bar the respondents from issuing the passport in his favour. In such circumstances, this writ petition has been filed.

5. In the affidavit filed in support of the writ petition, the details of the dispute, which the petitioner is having with Mr.Pichai has been disclosed in paragraph no.5 As seen from the dispute, there seems to be an Agreement of Sale entered between the petitioner and Mr.Pichai, out of which, the dispute has arisen. The details of F.I.R. registered against the petitioner in Crime No.446 of 2018 on the file of Periyakulam Police Station, Theni District at the behest of Mr.Pichai has also been disclosed in the affidavit.

6. It is the further case of the petitioner that only due to the pendency of F.I.R., the respondents are refusing to issue the passport in his favour. It is also his case that, the registration of F.I.R. does not bar the respondents from issuance of the Passport.

7. All the above mentioned factors will have to be considered by the respondents before issuing the Passport and they cannot keep the application for passport pending. The respondents have to necessarily consider the same on merits and in accordance with law.

8. For the forgoing reasons, this Court directs the second respondent to consider the petitioner's application No.19-1011717719, dated 09.12.2019 seeking for issuance of Passport in his favour and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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 Government of India,
Ministry of External Affairs,
New Delhi.
- 2) The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road, Madurai 625 002

Order made in
W.P. (MD) No.14882 of 2020
29.10.2020

VB (18.11.2020) 3P 3C