



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

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W.P. (MD)No.17370 of 2020
(Through the Video Conferencing)

M.Paraman

... Petitioner

Vs

1. The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road, Madurai-625 002.

2. The Inspector of Police,
Checkanurani Police Station,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to process the application of the petitioner vide Application No.MD1073051121720 for the renewal of his passport and consequently direct the respondents to issue the passport to the petitioner within time stipulated by this Court.

For Petitioner	: Mr.K.Muthu Ganesa Pandian
For R-1	: Mr.K.Sankararaman Central Government Standing Counsel
For R-2	: Mr.C.Ramar Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to process the application of the petitioner vide Application No.MD1073051121720, for renewal of his passport and consequently direct the respondents to issue the passport to the petitioner within a time stipulated by this Court.

2. Heard Mr.K.Muthu Ganesa Pandian, learned counsel for the petitioner, Mr.K.Sankararaman, learned Central Government Standing Counsel for the first respondent and Mr.C.Ramar, learned Additional Government Pleader for the second respondent.

3. It is the case of the petitioner that he is a retired Deputy Registrar at Madurai Kamaraj University, Madurai. According to him, he has three daughters and they are married and well settled and one of them is settled in Dubai. According to him, he and his



wife have planned to visit his daughter at Dubai. Therefore, he applied for a passport in the year 2011 and the same was processed and issued by the first respondent on 11.07.2011 which was valid upto 10.07.2021. It is the case of the petitioner that he has applied for renewal of his passport with the first respondent. However, he received a communication from the first respondent on 19.10.2020, wherein, it was informed that on receipt of a police verification report, the first respondent came to know criminal cases are pending against the petitioner in Crime No.220 of 2013, on the file of the Chekkanoorani Police Station, for the offence under Section 107 Cr.P.C. and in Crime No.460 of 2017 for the offence under Sections 143 and 188 I.P.C. By the communication dated 19.10.2020 issued by the first respondent, the petitioner was directed to submit his explanation, within a period of thirty days.

4. It is the case of the petitioner that he has also sent his reply on 11.11.2020. According to the petitioner, he has not committed any criminal offence and the criminal complaint lodged against him is a false one. It is also his case that subsequently the dispute between the petitioner and other villagers also got resolved. It is also the contention of the petitioner that registration of an F.I.R. is not a bar for the first respondent to issue a passport in the light of the decision rendered by the Hon'ble Division Bench of this Court made in W.A.(MD).No.301 of 2018 dated 27.03.2018. Since the passport has not been renewed, the petitioner has filed this Writ Petition.

5. Admittedly, only F.I.R. has been registered against the petitioner in Crime No.220 of 2013 for the offence under Section 107 Cr.P.C. and in Crime No.460 of 2017 for the offence under Sections 143 and 188 I.P.C.

6. It is settled law that the registration of an F.I.R. will not a bar to issue passport. A decision rendered by the Hon'ble Division Bench of this Court in the case of Arumugam Vs. The Regional Passport Officer, Madurai Region Passport Office, Bharathi Ula Veethi Race Course Road, Madurai-625 002, Tamil Nadu, made in W.A.(MD).No.301 of 2018, dated 27.03.2018, has also reiterated the settled position of law. However, it is for the first respondent to consider the petitioner's application on merits and in accordance with law.

7. Therefore, this Court directs the first respondent to consider the petitioner's application dated 07.10.2020 seeking for renewal of his passport and pass final orders on the same on merits and in accordance with law, in the light of the decision rendered by the Hon'ble Division Bench of this Court made in W.A.(MD).No.301 of 2018 dated 27.03.2018 within a period of four weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (A.E)

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Sub Assistant Registrar(CS)

tsg

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,
Bharathi Ula Veethi,
Race Course Road, Madurai-625 002.
2. The Inspector of Police,
Checkanurani Police Station,
Madurai.

+1 CC to th SPL GP (SR-25428[F] dated 14/12/2020)

W.P. (MD)No.17370 of 2020
10.12.2020

PV(CO)
CS(23.12.2020) 3P 4C