



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.17453 of 2020
(Through Video Conference)

K.Nallamuthu

... Petitioner

Vs.

1. The Secretary to Government,
Ministry of External Affairs,
South Block,
New Delhi - 110 011.
2. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
3. The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.

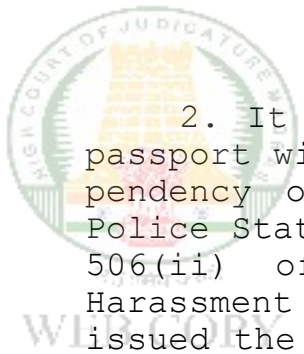
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to issue a passport to the petitioner by considering his passport application vide File No.MD1062898310920 dated 29.02.2020.

For Petitioner	: Mr.N.Pragalathan
For R-1 & R-2	: Mr.S.Jeyasingh Central Government Standing Counsel
For R-3	: Mr.A.Karthik Government Advocate

O R D E R

This writ petition has been filed for a Mandamus, seeking for a direction to the second respondent to issue a passport to the petitioner by considering the petitioner's passport application dated 29.02.2020.



2. It is the case of the petitioner that he had applied for a passport with the second respondent on 29.02.2020. However, due to pendency of an F.I.R against him in Crime No.93 of 2018-Thondi Police Station, under Sections 147, 148, 294(b), 323, 324, 448, 427, 506(ii) of I.P.C and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, the second respondent till date has not issued the passport. In such circumstances, this writ petition has been filed.

3. Heard Mr.N.Pragalathan, learned counsel for the petitioner, Mr.S.Jeyasingh, learned Central Government Standing counsel for the first and second respondents and Mr.A.Karthik, learned Government Advocate for the third respondent.

4. It is submitted by the learned counsel for the petitioner that pendency of an F.I.R is not a bar for the second respondent to issue passport to the petitioner.

5. The learned standing counsel for the respondents 1 and 2, would submit that if no charge sheet has been filed by the third respondent, the second respondent is prepared to consider the petitioner's application seeking for passport, on merits and in accordance with law.

6. The learned Government Advocate appearing for the third respondent on instructions would submit that till date, no charge sheet has been filed against the petitioner.

7. It is settled law that pendency of an F.I.R will not prohibit the passport office to issue a passport, if the applicant otherwise satisfies all other requirements of the passport office.

8. In the case on hand, admittedly, no charge sheet has been filed against the petitioner for the alleged offences levelled against him in Crime No.93 of 2018-Thondi Police Station. Therefore, the second respondent will have to consider the petitioner's application dated 29.02.2020, seeking for issuance of a passport in his favour, on merits and in accordance with law.

9. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's application dated 29.02.2020, seeking for issuance of a passport in his name, on merits and in accordance with law and if found that the petitioner is eligible, issue a passport within a period of eight weeks from the date of receipt of a copy of this order.



10. With the aforesaid directions, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

pm

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 Secretary to Government,
Ministry of External Affairs,
South Block,
New Delhi - 110 011.
2. The Regional Passport Officer,
Regional Passport Office,
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Race Course Road,
Madurai - 625 002.
3. The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.

+1 CC to the SPL GP SR-25439.
+1 CC to Mr.S.JEYASINGH, Advocate SR-25367.
+1 CC to Mr.N.PRAGALATHAN, Advocate SR-25518.

W.P. (MD) No.17453 of 2020

11.12.2020

MJ(CO)

CS(22.12.2020) 3P 7C