

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P.No.4595 of 2021

Mohamed Rafi

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Chennai Royalla Tower,
No.2 & 3, 4th Floor,
Annasalai,
Chennai-2

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to take into record the reply sent by the petitioner dated 08.02.2021 directing the respondent to renewal the passport and issue to the petitioner within a stipulated period framed by this Hon'ble Court.

For Petitioner : Mr.S.Seenuvasan
For Respondent : Mr.V.Udayakumar
Senior Panel Counsel

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondent to renew the passport of the petitioner based on his representation dated 08.02.2021. The petitioner applied for renewal of his passport, which got expired on 24.01.2018. Since an F.I.R. has been registered on 23.12.2015 in H-6 R.K.Nagar P.S. Crime No.1662 of 2015 for the offences under Sections 147, 148, 117, 153, 295-A, 355, 353 and 506(II) IPC, the respondent has not renewed the passport of the petitioner. In such circumstances, this writ petition has been filed.

2. Heard Mr.S.Seenuvasan, learned counsel for the petitioner and Mr.V.Udayakumar, learned Senior Panel Counsel for the respondent.

3. Admittedly, in the case on hand, no charge sheet has been filed against the petitioner, even though an F.I.R. was registered on 23.12.2015 in Crime No.1662 of 2015 for the offences under Sections 147, 148, 117, 153, 295-A, 355, 353 and 506(II) IPC.

4. It is settled law that there is no prohibition for the respondent to process the renewal application, when there is an F.I.R. pending against any applicant. Only when there is a charge sheet, the applicant will have to approach the criminal Court, seeking permission for obtaining a fresh passport or for seeking renewal. Since the case on hand is not one such case, there is no prohibition for the respondent to process the petitioner's application. However, the same will have to be considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

5. For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 31.10.2019, seeking for renewal of his passport which got expired on 24.01.2018 and pass final orders on the said application, after affording a fair hearing to the petitioner, including granting him the right of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

GYA

To

The Regional Passport Officer,
Regional Passport Office,
Chennai Royalla Tower,
No.2 & 3, 4th Floor,
Annasalai, Chennai-2

+1cc to Mr.S.Seenivasan, Advocate, S.R.No.19888

W.P.No.4595 of 2021

RLD(CO)
TE (28/04/2021)