

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P. No.19602 of 2020

Faisal Rahman

.... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichirappalli - 620 008.
2. State rep. by Inspector of Police,
Manaimedu Police Station,
Nagapattinam.
(in Crime Nos.586 and 606 of 2020) Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, to direct the first respondent to issue the passport to the petitioner after considering the online application No.TP1072994048320 dated 22.08.2020, within a time bound framed by this Court.

For Petitioner : Mr.A.Rajamohamed
For respondent-1 : Mr.K.Ramanamoorthy, CGSC
For Respondent-2 : Mr.V.Shanmugasundar, SGP

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the first respondent to consider the petitioner's application dated 22.08.2020 seeking for renewal of his passport.

2. It is the case of the petitioner that his passport expired on 05.06.2020. He has sought for renewal by submitting an on-line application dated 22.08.2020. Since the same has not been considered, he has filed this Writ Petition.

3. A counter affidavit has been filed by the first respondent before this Court, wherein, they have stated that FIRs have been registered against the petitioner in Crime No.586 of 2020 under Sections 143, 341, 188 and 269 of I.P.C and Crime No.606 of 2020 under Sections 294(b), 341, 352, 506(ii) of I.P.C. According to the first respondent, a show cause notice was also sent to the petitioner by the first respondent requesting him to give his explanation with regard to FIRs, for which, a reply was also sent by the petitioner on 10.09.2020. According to the first respondent, only due to the pendency of FIRs, they have not processed the petitioner's application for renewal of his passport and further, according to them, an adverse report has been given by the Superintendent of Police, Nagapattinam against the petitioner.

4. Heard Mr.A.Raja Mohamed, learned counsel for the petitioner and Mr.K.Ramanamoorthy, learned Central Government Standing Counsel appearing for the respondent-1 and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondent-2.

5. It is settled law that pendency of an F.I.R will not prohibit the first respondent from issuing passport to any party. However, it is for the first respondent to consider each and every case on merits and decide as to whether a passport can be issued or not. In the case on hand, the petitioner has sought for renewal of his passport, which has expired on 05.06.2020. Admittedly, FIRs have been registered against the petitioner in two crime numbers referred to supra. It is also the case of the first respondent that an adverse police report has been received by him against the petitioner. All these factors will have to be considered by the first respondent, while they process the petitioner's application for renewal of his passport.

6. No prejudice will be caused to the respondents, if the petitioner's on-line application dated 22.08.2020 seeking for renewal of his passport is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's on-line application dated 22.08.2020 seeking for renewal of his passport and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of 8 weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichirappalli - 620 008.
2. The Inspector of Police,
Manaimedu Police Station,
Nagapattinam.

+2cc to Mr.A.Rajamohamed, Advocate, Sr.No. 11630
+1 cc to The Government Pleader Sr.No. 11919

W.P. No.19602 of 2020

PMK (CO)
RMP (17/03/2021)

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