



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. NO. 24635 OF 2021

P.Balakrishnan,
S/o. Pachiappan
3/517, Vignesh Garden,
Manickkampalayam,
Kunnathur, Pudur Post,
S.S.Kulam Via,
Coimbatore.

.. Petitioner

Versus

1. The Regional Passport Officer,
Coimbatore,
First Floor,
Corporation Commercial Complex,
Avinashi Road, Coimbatore.
2. The Sub-Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus calling for the records relating to the Impugned letter Nos. FCI/309980783/20, dt. 15.06.2020 and FCL/310085347/20, dt.06.08.20, on the file of the 1st Respondent herein, quash the same and consequently direct the 1st Respondent herein to issue Passport to the Petitioner within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : M/s.V.Sudha
Counsel for R1



O R D E R

This writ petition has been filed for calling for the records relating to the Impugned letter Nos. FCI/309980783/20, dt. 15.06.2020 and FCL/310085347/20, dt. 06.08.20, on the file of the 1st Respondent herein, quash the same and consequently direct the 1st Respondent herein to issue Passport to the Petitioner within a stipulated period

2. The case of the petitioner is that the petitioner made application for issuance of passport. However he was issued a show cause notice on 15.06.2021 for case disposal of copies or any other documents related criminal case pending against the petitioner. Since the petitioner did not file any copies for the proof of the said disposal of FIR, the impugned notice was issued by the first respondent rejecting the petitioner's passport application. Challenging the same, the present writ petition is filed.

3. Mr.K.Govi Ganesan, learned Counsel appearing for the petitioner submits that mere pendency of FIR did not construed as pendency of criminal proceedings for the Passport Authority for issuance of passport. Unless the Law Enforcing Agency filed a charge sheet. He further submits that the petitioner is not entitled to receive the passport unless he is prohibited by any law or any Court. In the absence of any rule, rejecting the petitioner's application is not sustainable one.

4. Ms.V.Sudha, learned Counsel appearing for the 1st respondent submits that even on perusal of impugned order it reveals that the petitioner has granted liberty to file fresh passport application enclosing all the necessary documents and if such application is filed, the passport authority will consider the same without insisting the closure documents of the criminal cases.

5. Heard the learned counsel for the petitioner and learned counsel for respondents and perused the materials placed on record.

6. In view of the above, writ petition is disposed with a direction to the petitioner to file a fresh application enclosing all the necessary documents as sought by the Passport Authority within a period of two weeks and on such application being filed, the Passport Authority is directed to pass appropriate orders in accordance with law within a period of twelve weeks from the date of copy of this order.



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7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Sma

To

1. The Regional Passport Officer,
Coimbatore,
First Floor,
Corporation Commercial Complex,
Avinashi Road, Coimbatore.
2. The Sub-Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.

+1cc to M/s.K.Govi Ganesan, Advocate, S.R.No.60199

+1cc to M/s.V.Sudha, Advocate, S.R.No.59701

W.P. No. 24635 of 2021

PL(CO)
RLP(10/12/2021)