



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.120 of 2021

Karthick

... Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
New Delhi.
2. The Regional Passport Office,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
3. The Inspector of Police,
Keelavalavu police station,
Keelavalavu, Melur Taluk,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned communication No.FCI/310542075/20 dated 17.12.2020 and quash the same and consequently direct the second respondent to issue passport to the petitioner by considering his application No.MD1072715414119 dated 25.12.2019 and for other reliefs within a period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali
For R-1 & R-2 : Mr.Karunanathi,
Central Government
Standing Counsel.

For R-3 : Mr.C.Ramar,
Additional Government Pleader.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for respondents 1 and 2 and the learned Additional Government Pleader appearing for the third respondent.

2. The petitioner applied for re-issuance of passport. It appears that a criminal case under the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Amendment Act 2015 is pending against the petitioner.

3. I am of the view that for this, the petitioner's right to obtain passport cannot be denied. In any event, the criminal case against the petitioner is only pending at the FIR stage. It is well settled that mere pendency of the First Information Report cannot be a ground to deny passport. If the petitioner is eligible in all other respects, the second respondent will issue passport to the petitioner after completing all the usual formalities.

4. This writ petition stands allowed on these terms. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Government of India,
Ministry of External Affairs New Delhi.
2. The Regional Passport Office,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,

<https://hcservices.mca.gov.in/hcservice> 625 002.



3. The Inspector of Police,
Keelavalavu police station,
Keelavalavu, Melur Taluk,
Madurai District.

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+1cc to The Special Government Pleader in SR.No.1164

W.P. (MD) No.120 of 2021
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pmu

AE/ (29/01/2021) 3P / 5C