



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.393 of 2021

Ameer Hamsa Abdulla

... Petitioner

Vs

The Regional Passport Officer,
Madurai Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to issue a new passport pursuant to the petitioner's passport application in file No.MD01C5099715719, dated 12.12.2019 within a time that may be fixed by this Court.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondent : Ms.Deepa

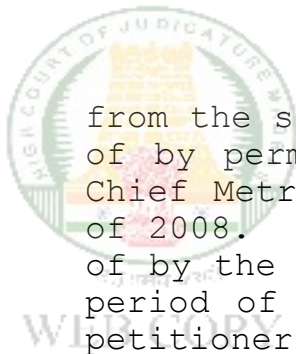
Central Government Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

2.The petitioner is a resident of Rajapalayam. He was possessing a passport which expired on 29.09.2019. The petitioner asked for renewal of his passport. The petitioner's application was not processed by the respondent by citing the pendency of C.C.No.7214 of 2008 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai. It is stated by the learned counsel for the petitioner that the case has since been transferred to the learned Chief Metropolitan Magistrate Court, Egmore, Chennai. The petitioner is figuring as an accused in the said case. It appears to be a matrimonial case. The charges are under Sections 498(A) and 506(2) of IPC. The petitioner's wife is said to have lodged a complaint in Crime No.3 of 2006 and the same culminated in the said criminal prosecution. The question that arises for consideration is whether this Court can straight away direct the respondent to renew the petitioner's passport.

3.I am afraid that I cannot straight away concede the petitioner's request. The fact remains that as on date, C.C.No.7214 of 2008 is pending against the petitioner on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai. Therefore, the petitioner has to necessarily file a petition seeking permission



from the said trial Court. Therefore, the Writ Petition is disposed of by permitting the petitioner to file an application before the Chief Metropolitan Magistrate Court, Egmore, Chennai in C.C.No.7214 of 2008. On such application being filed, the same will be disposed of by the trial Court on merits and in accordance with law within a period of two weeks. If the trial Court grants permission to the petitioner, the petitioner can apply afresh to the respondent by enclosing the said order of the trial Court granting him permission. If the petitioner's application is otherwise in order, the respondent will issue passport to the petitioner as sought for expeditiously and without any delay.

4.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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
The Regional Passport Officer,
Madurai Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

+1 CC to M/s.B.DEEPA, Advocate (SR-1046[F] dated 19/01/2021)

+1 CC to M/s.S.HAJA MOHIDEEN GISTHI, Advocate (SR-1021[F] dated 18/01/2021)

W.P.(MD)No.393 of 2021

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