



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)No.900 of 2021

Sadam Husain

... Petitioner

Vs.

1. Regional Passport Officer,
Madurai Bharath Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Inspector of Police,
S.P.Pattinam police station,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to consider the representation of the petitioner dated 25.11.2019 and directing him to issue passport to the petitioner.

For Petitioner	: Mr.P.Venkatesan
For R-1	: Mr.H.Velavadhas, Central Government Standing Counsel.
For R-2	: Mr.V.Anand, Government Advocate.

* * *

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

2. The petitioner's request is that the first respondent should be mandated to issue passport to him based on his application dated 25.11.2019.

3. As rightly pointed out by the learned Standing counsel, this request cannot be granted. This is for more than one reason. The petitioner had not disclosed the pendency of a criminal case. That apart, the criminal case has culminated into a final report and also taken on file in S.C.No.156 of 2018 on the file of the Additional District Judge, Ramanathapuram. The offences under Sections 294(b), 342, 302 and 120(B) of I.P.C. are also grave in nature. Therefore, the petitioner has to necessarily get permission only from the trial Court concerned.



4. Sustaining the objection raised by the learned Standing counsel, I decline to grant relief in this writ petition. However, I permit the petitioner to file a fresh application to the first respondent. Even though the respondents may be aware of the petitioner's background, it is still the duty of the petitioner to make a fair disclosure about the criminal cases pending prosecution. The petitioner will thereafter, move the trial Court for issuance of passport. On such application being filed, it is for the trial Court to take a call in the matter. This Court directs the trial Court to dispose of such application within a period of four weeks from the date of filing. Based on the decision of the trial Court, the first respondent herein will take a decision.

5. This writ petition stands disposed of on these terms. No costs.

Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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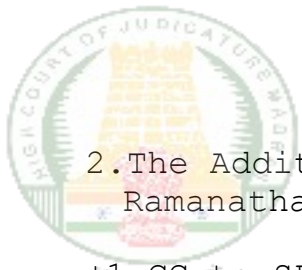
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. Regional Passport Officer,
Madurai Bharath Ula Veethi,
Race Course Road,
Madurai - 625 002.
2. The Inspector of Police,
S.P.Pattinam police station,
Ramanathapuram District.

Copy to

1. The Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai.



2.The Additional District Judge,
Ramanathapuram.

+1 CC to SPL GP (SR-3279[F] dated 04/02/2021)

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VB (15.02.2021) 3P 6C