



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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W.P. (MD) .No.2391 of 2021

Syed Ibrahim

... Petitioner

Vs.

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

2.The Commissioner of Police,
Madurai City Police,
Madurai.

3.The Inspector of Police,
Vilakuthoon Police Station,
Madurai City.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to reissue passport to the petitioner in File No.MD1072917628720.

For Petitioner
For Respondents

: Mr.K.Navaneetharaja
: Mr.M.Lingadurai for R1 & R2
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the first respondent to reissue the passport to the petitioner based on the application submitted by the petitioner, on 30.08.2016.

2.The case of the petitioner is that he was issued with a passport by the first respondent in the year 2013. Thereafter, the petitioner went to Oman for employment. The further case of the petitioner is that the first respondent issued a communication, dated 18.03.2020, to the petitioner informing him that there is an FIR pending against the petitioner in Crime No.937 of 2019. According to the first respondent, this FIR was concealed at the time of making the application for reissue of the passport. The petitioner also gave an explanation for the notice, on 01.02.2021. The grievance of the petitioner is that the first respondent has not reissued the passport to the petitioner and aggrieved by the same,



the present writ petition has been filed before this Court.

3.Heard Mr.K.Navaneetharaja, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents 1 & 2.

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4.In the considered view of this Court, the present writ petition is squarely covered by the earlier orders passed by this Court. In the present case, the case is only at the stage of FIR. Till the investigation is completed and a final report is filed and the same is taken cognizance by the concerned Court, the case does not assume the position of a criminal case. Till the case reaches this stage, there is no restriction on the part of the first respondent to reissue the passport.

5.In the present case, the FIR was registered against the petitioner in Crime No.937 of 2019 and no final report has been filed.

6.In view of the above, there shall be a direction to the first respondent to consider the application made by the petitioner and reissue the passport, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner of Police,
Madurai City Police,
Madurai.

3.The Inspector of Police,
Vilakuthoon Police Station,
Madurai City.

+1 CC to M/s.SPL GP (SR-20716[F] dated 30/06/2021)

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SE (co)

TR(06.07.2021) 3P 5C