



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.2618 of 2021

S.Mohammed Yousuf

... Petitioner

Vs.

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

2.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to process the application of the petitioner vide application No.MD2073120270920 for reissuance of his passport and consequently direct the 1st respondent to issue the passport to the petitioner within the time fixed by this Court.

For Petitioner : Mr.Alwin Balan.P.P

For Respondents : Mr.M.Karthikeya Venkatachalapthy,
Central Govt. Standing Counsel for R1.
Mr.G.Arjunan,
Government Advocate for R2.

ORDER

Heard the learned counsel for the writ petitioner, the learned standing counsel for the first respondent and the learned Government Advocate for the second respondent.

2.The learned standing counsel appearing for the first respondent actually sought time for getting instructions.

3.The petitioner is working as a Mutawalli of Mohideen Jumma Pallivasal, Sambankulam, Tenkasi District. His son is based in Denmark. It is stated that his son has been blessed with a child and that the petitioner as the grandfather wants to visit Denmark for this purpose. The petitioner's passport had already expired. The petitioner wants renewal of the same. But then, the petitioner's application is not being processed because of the registration of FIR against the petitioner herein in Crime No.289 of 2020 on the file of the second respondent for the offence under Sections 294(b) and 506(i) of I.P.C.



4.I wanted to know from the second respondent regarding the stage of the criminal case. It is stated that criminal case is pending only at the FIR stage. It has been held time and again that pendency of the criminal case at the FIR stage is not a bar for issuance of passport. Since the facts have been clarified by the second respondent, I direct the first respondent to process the petitioner's application for reissuance of his passport. Of course, the petitioner has to fulfill the other formalities. All that I am holding now is that registration of an FIR against the petitioner, which is yet to culminate into a final will not be an impediment for processing the petition mentioned application. The first respondent shall conclude the exercise within a period of eight weeks from the date of receipt of a copy of this order and issue the passport, if there is no other impediment.

5.The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (CO)

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

2.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.

+1 CC to M/s.S.MADHAVAN, Advocate (SR-5060[F] dated 15/02/2021)

+1 CC to M/s.GP (SR-5117[F] dated 15/02/2021)

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-5208[F] dated 15/02/2021

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KVN (CO)