



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.5385 of 2021

R.Ragavanandham

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Tiruchirappalli Municipal Water Tank Building,
W.B.Road, Tiruchirappalli - 620 008.

2.The Sub Divisional Magistrate cum Sub Collector,
Pudukkottai, Pudukkottai District.

3.The Inspector of Police,
Pudukkottai Police Station,
Pudukkottai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue a fresh passport to the petitioner by considering the petitioner's application, dated 08.02.2021 in application Reference No.21-1000807887.

For Petitioner
For Respondents

: Mr.K.Jeyamohan
: Mrs.L.Victoria Gowri for R1
Assistant Solicitor General
Mr.M.Lingadurai for R2 & R3
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus, directing the first respondent to issue passport to the petitioner by considering the application made by the petitioner, on 08.02.2021.

2.The case of the petitioner is that he applied for a fresh passport before the first respondent. The first respondent refused to entertain the application on the ground that the petitioner did not disclose the criminal case pending against him.



Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.

3.The first respondent has filed a counter affidavit to the effect that there is a case pending in crime No.10 of 2017 against the petitioner and the same was not revealed at the time of making the application and therefore, the application has been put on hold.

4.The learned counsel for the petitioner submitted that the petitioner was not aware about the FIR pending against him and the FIR itself was filed under Section 107 Cr.P.C. in the year 2017 and there has been absolutely no progress thereafter.

5.Taking into consideration the facts and circumstances of the case, the mere pendency of an FIR is not a bar for the issuance of a fresh passport in the name of the petitioner. The law on this issue is well settled.

6.In view of the above, there shall be a direction to the first respondent to process the application submitted by the petitioner and issue a fresh passport in the name of the petitioner, 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 Regional Passport Officer,
The Regional Passport Office,
Tiruchirappalli Municipal Water Tank Building,
W.B.Road, Tiruchirappalli - 620 008.
 - 2.The Sub Divisional Magistrate cum Sub Collector,
Pudukkottai, Pudukkottai District.
 - 3.The Inspector of Police,
Pudukkottai Police Station,
Pudukkottai District.
- +1 CC to M/s.SPL GP (SR-20702[F] dated 30/06/2021)

Order made in
W.P. (MD) .No.5385 of 2021
Dated
28.06.2021

AS (06.07.2021) 3P 5C