



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.9033 of 2021

N.Ajay Pandi

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
New Delhi.

2.The Regional Passport Office,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

3.The Inspector of police,
Keelavalavu Police Station,
Keelavalavu,
Melur Taluk,
Madurai District.

4.The Inspector of Police,
Melur police Station,
Melur,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's impugned communication, No.SCN/310279147/20, dated 20.10.2020 and quash the same and consequently direct the 2nd respondent to issue passport to the petitioner by considering his application No.MD1063057776120, dated 15.10.2020, within a period as stipulated by this Court.

For Petitioner	: Mr.S.Atham Ali
For Respondents	: Mr.V.B.Sundhareshwar for R1 and R2 Standing counsel Mr.M.Muniyasamy for R3 & R4 Additional Government Pleader



ORDER

This Writ petition has been filed challenging the notice issued by the second respondent, dated 20.10.2020 and for a consequential direction to the second respondent to issue passport to the petitioner by considering his application No. MD1063057776120, dated 15.10.2020.

2.The case of the petitioner is that he has made an application before the second respondent, seeking for passport and the same was taken on file in application No.MD1063057776120. The petitioner received a notice from the second respondent to the effect that there are two FIRs pending against the petitioner and the petitioner was directed to give his explanation. Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.

3.Heard Mr.S.Atham Ali, learned counsel for the petitioner, Mr.V.B.Sundhareshwar, learned Standing counsel for the respondents 1 and 2 and Mr.M.Muniasamy, learned respondents 3 and 4.

4.The only issue that is involved in the present writ petition is as to whether the second respondent can deny the issuance of passport to the petitioner merely on the ground that there is an FIR pending against the petitioner. The law on this issue is well settled and this Court had repeatedly held that the mere pendency of an FIR cannot be construed to be criminal proceedings, unless the FIR translates itself into a final report and the same is taken cognizance by a competent Court. The present case is also squarely covered by the earlier orders passed by this Court and admittedly there is only an FIR pending against the petitioner.

5.In view of the above, there shall be a direction to the petitioner to give a reply for the notice issued by the second respondent, on 20.10.2020 along with the copy of this order. The second respondent on receipt of the same, shall process the application submitted by the petitioner, if it is otherwise in order and issue passport to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

1.The Regional Passport Office, Regional Passport Office,
Government of India, Ministry of External Affairs,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002.

2.The Inspector of police, Keelavalavu Police Station,
Keelavalavu, Melur Taluk, Madurai District.

3.The Inspector of Police, Melur police Station, Melur,
Madurai District.

+1 CC to M/s.V.B.SUNDERESH, Advocate (SR-18455[F] dated
04/05/2021)

W.P. (MD) .No.9033 of 2021
30.04.2021

AS (10.06.2021) 3P 5C