



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8506 of 2021

Nivash Vairavanathan

... Petitioner

Vs.

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

2. The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to re-issue passport to the petitioner based on the petitioner's application No.TR1073054028520, dated 13.10.2020, within the time stipulated by this Court.

For Petitioner : Mr.K.M.Karunakaran

For R-1 : Mr.Paulpandi

For R-2 : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to reissue the passport to the petitioner based on the application made by the petitioner on 13.10.2020.

2. The case of the petitioner is that the first respondent had issued a passport in his favour for the period from 08.07.2016 to 07.07.2026.



3. The further case of the petitioner is that the passport issued by the first respondent got damaged and hence the petitioner made an application on 13.10.2020, seeking for re-issuance of the passport.

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4. It is stated that on receipt of the application, the first respondent, through a communication dated 26.10.2020, called upon the petitioner to explain about a pending criminal case against the petitioner in Crime No.206 of 2019, on the file of the second respondent. The petitioner also gave his explanation through his representation dated 26.02.2021. The grievance of the petitioner is that the first respondent has not considered the application till date and hence, left with no other option, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.K.M.Karunakaran, learned counsel appearing on behalf of the petitioner, Mr,Paulpandi, learned counsel appearing on behalf of the first respondent and Mr.K.P.Narayanakumar, learned Special Government Pleader appearing on behalf of the second respondent.

6. The issue involved in the present Writ Petition is squarely covered by the judgment of this Court in the case of **Ashok Muthana Vs. The Regional Passport Officer, Chennai, the Government of India, Ministry of External Affairs, Regional Passport Office, Chennai-2 and others** reported in **2015 3 CTC 137**. This Judgment has also been subsequently followed in many orders passed by this Court, wherein, this Court has consistently held that the mere registration of an F.I.R. cannot be construed as a pendency of the criminal proceedings against the applicant. This Court has taken a view that the criminal proceedings will actually start only after the final report is filed by the Police and the same is taken cognizance by the concerned Court. Therefore, this Court has issued directions to the Passport Officer in all those cases to reissue / renew / issue passport to the concerned applicants.

7. In view of the above, since the criminal case against the petitioner continues to remain in the F.I.R. Stage, there is no legal bar for the first respondent to consider the application of the petitioner given on 13.10.2020 for re-issuance of the passport. The first respondent shall act upon the application and proceed to reissue the passport, if the petitioner has fulfilled all the other requirements.

8. The petitioner is directed to make a fresh representation to the first respondent along with a copy of this order.



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9. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

To
The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-17760[F] dated 27/04/2021)

+1 CC to M/s.P.PAUL PANDI, Advocate (SR-17817[F] dated 28/04/2021)

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.

Order made in
W.P. (MD) .No.8506 of 2021

Dated:
26.04.2021

RK(12.05.2021) 3P 4C