



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8580 of 2021

B.Senthil Kumar

... Petitioner

Vs.

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

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondent to return the renewed passport No.U8253719, dated 25.01.2021.

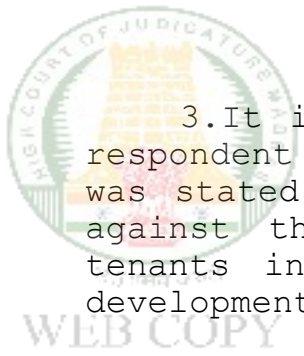
For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.V.Maliyendran
Central Government Standing Counsel

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to return the renewed passport of the petitioner that was given to the petitioner by considering the explanation given by the petitioner, on 13.02.2021.

2.The case of the petitioner is that he had made an application for the reissue of the passport and the respondent after considering the application, reissued the passport in favour of the petitioner on 25.01.2021. The further case of the petitioner is that the respondent called for a clarification from the petitioner on the ground that there is an FIR pending against the petitioner in Crime No.175/2017, before the Thadikombu Police Station. The respondent also directed the petitioner to appear for an enquiry and also asked the petitioner to surrender the passport. The petitioner accordingly, surrendered the passport before the respondent and the same is reflected by the surrender Certificate issued by the respondent on 12.02.2021.



3.It is stated that the petitioner gave an explanation to the respondent with regard to the FIR that is pending against him and it was stated in the explanation that the complaint came to be given against the petitioner and his family members, when they were tenants in a property and subsequently, there was absolutely no development in the investigation.

4.The grievance of the petitioner is that in spite of the explanation given by the petitioner, the respondent has not acted upon the same and the passport continues to be in the custody of the respondent. Left with no other option, the present writ petition has been filed before this Court, seeking for appropriate directions.

5.Heard Mr.S.Sarvagan Prabhu, learned counsel for the petitioner and Mr.V.Maliyendran, learned Central Government Standing Counsel for the respondent.

6.In the considered view of this Court, the reissue of passport made in favour of the petitioner ought not to have been kept on hold by taking custody of the passport, since mere registration of an FIR, wherein, the investigation has not progressed, cannot tantamount to pending criminal proceedings against the petitioner. This Court has time and again held that criminal proceedings will start only after the completion of the investigation and filing of a final report before the concerned Court and the same being taken cognizance. Admittedly, the same has not happened in the present case. Therefore, the respondent cannot keep custody of the passport merely based on a pending FIR against the petitioner.

7.In view of the above, there shall be a direction to the respondent to act upon the explanation given by the petitioner, on 13.02.2021 and hand over the passport to the petitioner. This process shall be completed by the respondent, within a period of two weeks from the date of receipt of a copy of this order.

8.The petitioner is directed to make a fresh representation to the respondent along with all the relevant documents and also a copy of this order.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-17860[F] dated
28/04/2021)

W.P. (MD) .No.8580 of 2021
27.04.2021

GS (8.06.2021) 3P 3C