



WEB COPY

W.P.(MD)No.8875 of 2021

Nagalingam v. The Regional Passport Officer

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.8875 of 2021

(Through Video Conferencing)

Nagalingam

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India Ministry of External Affairs,
Regional Passport Office,
Madurai,
Madurai District

2.The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai
Madurai, Madurai District

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to issue passport to the petitioner based on the file No.MD01C5013643521 dated 30.03.2021.

For Petitioner :Mr.T.Balaji

For Respondents :Mr.V.B.Sundareshwar

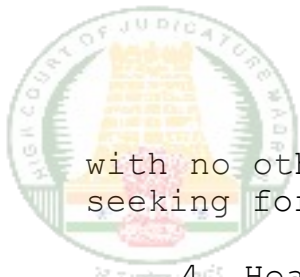
ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to issue passport to the petitioner based on file No.MD01C5013643521 dated 30.03.2021.

2.The case of the petitioner is that he applied for the passport before the respondents on 29.03.2021 and a file number was also assigned for the same. However, a communication was sent by the first respondent to the effect that there is an FIR pending against the petitioner in Crime No.993/2020 before the Karuppayurani Police Station, Madurai. Therefore, the petitioner was called to explain as to why he did not reveal the pendency of a criminal case through communication dated 16.04.2021. The petitioner also gave his reply on 22.04.2021.

3.The grievance of the petitioner is that the respondents have not acted upon the reply given by the petitioner and hence, left

<https://heservices.ecourts.gov.in/Heservices/>



with no other alternative, the present writ petition has been filed seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned standing counsel appearing on behalf of the respondents.

5. It is seen from the records that the FIR came to be registered against the petitioner only on the ground that he was not wearing a face mask, when he was driving his two wheeler during the Pandemic condition. That apart, the very registration of an FIR cannot be construed to be criminal proceedings, unless it translates itself into a final report and the same is taken cognizance by a competent Court.

6. In view of the above, there shall be a direction to the respondents to process the application submitted by the petitioner and issue passport, if the petitioner has satisfied all the other requirements, within four weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the respondents along with a copy of this order.

8. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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,
Government of India Ministry of External Affairs,
Regional Passport Office,
Madurai,
Madurai District

2.The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai
Madurai, Madurai District



+1 CC to M/s.T.BALAJI, Advocate (SR-18174[F] dated 30/04/2021)

+1 CC to M/s.V.B.SUNDERESH, Advocate (SR-18454[F] dated
04/05/2021)

W.P. (MD)No.8875 of 2021

30.04.2021

RK(11.05.2021) 3P 5C