



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12472 of 2021

V.Nallusamy

... Petitioner

Vs.

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

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

3.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai-625 102.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the second respondent to issue passport to the petitioner by considering his application No.21-1002556771 dated 13.04.2021 within a period stipulated by this Court.

For Petitioner : Mr. S.Atham Ali

For Respondents 1&2 : Mr.Paul Pandi

For Respondent No.3 : Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the second respondent to issue passport to the petitioner by considering the application made by the petitioner on 13.04.2021.



2. Heard Mr.S.Atham Ali, learned counsel appearing for the petitioner, Mr.Paul Pandi, learned counsel appearing for the respondents 1 & 2 and Mr.M.Lingadurai, learned Government Advocate appearing for the third respondent.

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3. The petitioner had applied for a passport before the second respondent in application No.21-1002556771 dated 13.04.2021. According to the petitioner, the application was not considered since there was an FIR pending in Crime No.939 of 2020 against the petitioner. The learned Government Advocate appearing on behalf of the third respondent submitted that the FIR is still in investigation stage and no final report has been filed.

4. In the considered view of this Court, mere registration of an FIR cannot be construed to be criminal proceedings until a final report is filed and the same is taken cognizance by a competent Court.

5. In view of the above, there shall be a direction to the petitioner to appear before the second respondent and the second respondent is directed to process the application No.21-1002556771 dated 13.04.2021 and issue the passport to the petitioner, if the petitioner has satisfied all the other requirements. This process shall be completed by the second respondent 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 (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Government of India,
Ministry of External Affairs,

New Delhi

<https://hcservices.ecourts.gov.in/hcservices/>



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

3.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai-625 102.

+1 CC to M/s.SPL GP (SR-24407[F] dated 29/07/2021)

+1 CC to M/s.P.PAUL PANDI, Advocate (SR-24299[F] dated 29/07/2021)

**W.P. (MD) .No.12472 of 2021
27.07.2021**

RK (04.08.2021) 3P 6C