



WEB COPY

W.P.(MD).No.12485 of 2021

K.Chinniah Selvam v. The Government of India

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12485 of 2021

K.Chinniah Selvam

... Petitioner

Vs.

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

2.The Regional Passport Officer,
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.

... 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.FCI/308850909/19 dated 08.07.2019 and quash the same and consequently direct the 2nd Respondent to issue passport to him by considering his application No.MD1061418552118 dated 10.08.2018 within a period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For Respondent Nos.1 & 2 : Mrs.L.Victoria Gowri

Assistant Solicitor General of India



ORDER

This writ petition has been filed challenging the impugned communication made by the second respondent dated 08.07.2019 and for a consequential direction to the second respondent to issue passport to the petitioner by considering the application dated 10.08.2018.

2. Heard Mr.S.Atham Ali, learned counsel appearing for the petitioner and Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India appearing for the respondents 1 and 2.

3. The learned Assistant Solicitor General of India appearing on behalf of the first and second respondents submitted that the petitioner was merely asked to appear before the second respondent and explain the criminal case pending against him. Since the petitioner did not appear before the second respondent, the application was closed. The learned Assistant Solicitor General of India therefore submitted that the petitioner can make a fresh application and the same will be considered by the second respondent as per the Rules. The learned Assistant Solicitor General of India further submitted that when the petitioner makes a fresh application, he must also make reference to the earlier application that was closed by the second respondent.

4. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Assistant Solicitor General of India appearing on behalf of the second respondent, there shall be a direction to the petitioner to submit a fresh application to the second respondent by providing all the particulars along with the reference to the earlier application that was closed and the second respondent, on receipt of the same, shall process the application and issue passport to the petitioner if the petitioner has satisfied all the other requirements. It is made clear that the second respondent will not consider the pendency of the FIR as a pending criminal case while processing the application. The second respondent shall complete the process within a period of four weeks from the date of receipt of application from the petitioner.

5. This writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar (CS II)

// 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.

2.The Regional Passport Officer,
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.

+1 CC to M/s.SPL GP (SR-24406[F] dated 29/07/2021)

W.P. (MD) .No.12485 of 2021
27.07.2021

MGJ(04.08.2021) 3P 5C