



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.12351 of 2021

K.Divya

... Petitioner

Vs.

1.The Ministry of Foreign Affairs,
Government of India,
Rep. by its Secretary,
New Delhi.

2.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to issue Passport to the Petitioner by considering her Passport Application File Number MD1063423719521 dated 25.06.2021 on the file of the 2nd respondent within the stipulated time.

For Petitioner : Mr.I.Robert Chandrakumar

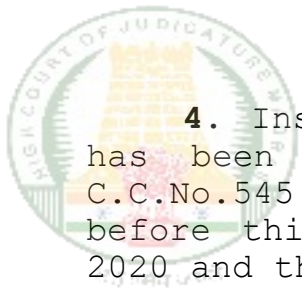
For Respondents : Mr.S.Pillaimonicantan
Senior Counsel for Central Government

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 submitted by the petitioner on 25.06.2021.

2. Heard Mr.I.Robert Chandrakumar, learned counsel appearing for the petitioner and Mr.S.Pillaimonicantan, learned Senior Counsel for Central Government appearing for the respondents.

3. The case of the petitioner is that she is a qualified lawyer who is also engaged in activities like making documentaries. When the petitioner was doing her first year course at Madurai Government Law College in the year 2009, an incident took place and a protest was made by the students demanding for better hostel facilities. Two criminal cases came to be registered against the petitioner and others in Crime Nos.1925 of 2009 and 1931 of 2009. Both these FIRs were investigated and final reports were filed before the Judicial Magistrate No.II, Madurai and the same was taken on file in C.C.No.544 of 2011 and C.C.No.545 of 2011.



4. Insofar as C.C.No.544 of 2011 is concerned, the petitioner has been acquitted by the learned Magistrate and insofar as C.C.No.545 of 2011 is concerned, the same has been put to challenge before this Court in a quash petition in Crl.O.P.(MD).No.5617 of 2020 and the same is pending.

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5. It is seen from records that the petitioner has dedicated her life in creating awareness by directing documentary films and it is also seen that the petitioner has also received awards and her documentary films have been screened in various Film Festivals across 45 countries. It is therefore clear that the petitioner will have to travel to foreign countries to attend international Film Festivals and also to participate in various other gatherings involving rights of marginalized communities and LGBTQIA+ issues.

6. The application made by the petitioner seeking for passport is now kept pending by the second respondent and a show cause notice has been issued to the effect that there is a criminal case pending against the petitioner and a report to that effect has been received from the police.

7. Taking into consideration the facts and circumstances of the case and also the fact that the quash petition filed by the petitioner is pending before this Court in Crl.O.P.(MD).No.5617 of 2020 and the other criminal case against the petitioner has ended in acquittal, there shall be a direction to the second respondent to process the application submitted by the petitioner on 25.06.2021 and issue a passport, if the petitioner has satisfied all the other requirements, within a period of four weeks from the date of receipt of a copy of this order. Since the quash petition is pending before this Court, only if this Court grants permission, the second respondent can issue or renew the passport and the same is clear from the Judgment of this Court in ***Rahul Ravindran Vs. Union of India, Principal Secretary to Government and Others.***, reported in **2021 (4) MLJ 289**. Accordingly these directions are issued to the second respondent.

8. In the result, this writ petition is allowed with the above directions. No Costs.

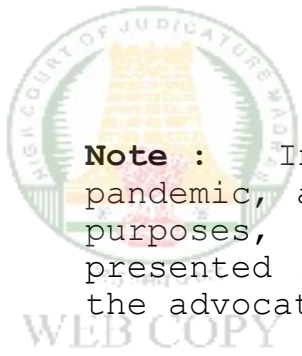
Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)



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 Secretary,
The Ministry of Foreign Affairs,
Government of India,
New Delhi.

2.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

**W.P. (MD) .No.12351 of 2021
27.07.2021**

RK (04.08.2021) 3P 3C