



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.12765 of 2021

Mohideen Riswan

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.

...Respondents

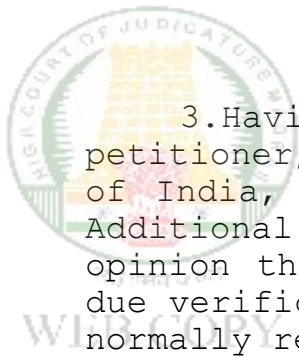
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to re-issue the petitioner's Passport No.Z6220858 to the petitioner.

For Petitioner : Mr.K.Navaneetharaja
For R1 : M/s.L.Victoria Gowri
Assistant Solicitor General of India
For R2 : Mr.S.Shanmugavel
Additional Government pleader

ORDER

The petitioner had filed an application on 25.06.2021 for re-issuing Passport No.Z6220858. The first respondent had forwarded the same for police verification. It was found that case in Crime No.07 of 2019 had been registered by the second respondent against the petitioner under sections 147, 294(b) and 506(i) of IPC. Subsequently, after investigation, Final Report had been filed and taken cognizance as S.T.C.No.594 of 2019 by the Judicial Magistrate, Nanguneri.

2.It is the case of the first respondent that the petitioner had suppressed these material facts. On the other hand, it is the contention of the petitioner that he was not aware that the Final Report had been filed before the said Court and that the same had been taken cognizance.



3.Having heard Mr.K.Navaneetharaja, the learned Counsel for the petitioner, Ms.L.Victoria Gowri, learned Assistant Solicitor General of India, for the first respondent and Mr.S.Shanmugavel, learned Additional Government Pleader for the second respondent, I am of the opinion that the petitioner may be granted the passport subject to due verification of the other documents and other requirements as is normally required by the first respondent.

4.The pendency of S.T.C.No.594 of 2019, which is a fact as on date may not be held against the petitioner, but, an obligation is placed on the petitioner that if ever he seeks to go abroad, then he has to get necessary permission from the concerned Judicial Magistrate Court, Nanguneri, before he goes abroad.

5.The first respondent may issue notice for the appearance of the petitioner and when the petitioner appears, obtain necessary undertakings that he would inform the concerned Criminal Court before he takes any steps to go abroad.

6.Recording such undertaking, the first respondent, if satisfied otherwise, may proceed to issue passport in accordance with the rules. The said exercise may be completed within a period of 16 weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/lr

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 Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai.

2.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P (MD) .No.12765 of 2021
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RD(16.12.2021) 3P 4C