



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12863 of 2021

W.P. COPY

... Petitioner

Vs.

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

2. The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue a fresh passport to the petitioner by considering the petitioner's application dated 20.03.2021 in File No.MD01C5018351520.

For Petitioner	: Mr.K.Jeyamohan
For R-1	: Mr.A.P.Rajasimman
For R-2	: Mr.M.Lingadurai
	Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the first respondent to consider the application submitted by the petitioner, on 20.03.2021, wherein, the petitioner has sought for issuance of passport.

2.Heard Mr.K.Jeyamohan, learned counsel for the petitioner, Mr.A.P.Rajasimman, learned Counsel appearing for the first respondent and Mr.M.Lingarudai, learned Government Advocate appearing for the second respondent.

3.The petitioner made an application before the first respondent, on 20.03.2020, seeking for issuance of fresh passport in his name. It is seen from records that an FIR was pending against the petitioner before the second respondent police in Cr.No.53 of 2017. This FIR pertains to the Jallikattu protest that took place during the relevant point of time. The State Government took a policy decision by virtue of G.O.Ms.No.99, Home (Courts - IV) Department, dated 20.02.2021, to withdraw all the cases that were registered during the Jallikattu Protest. In the present case, the investigation is still pending and it is at the FIR stage. Therefore, the Government Order clearly states that further action must be dropped by the police.

4.The first respondent on receipt of the application has sent a communication to the petitioner, on 17.06.2021, to the effect that the
<https://hcservices.ecourts.gov.in/hcservices/>



criminal case is pending and if the same is not disposed of, the application submitted by the petitioner will be closed.

5.The Government Order that has been referred supra, makes it clear that all cases pertaining to Jallikattu Protest will be closed and action will be dropped, if it is at the FIR stage. The case of the petitioner will squarely fall under this category. Even otherwise, mere pendency of an FIR cannot be a ground for the first respondent to refuse to entertain the application, since it cannot be construed to be criminal proceedings pending against the petitioner.

6.In view of the above, there shall be a direction to the first respondent to process the application submitted by the petitioner, on 20.03.2021 and issue passport in the name of the petitioner, if the petitioner satisfies all other requirements, within a period of four weeks from the date of receipt of a copy of this order. The second respondent is also directed to follow up the Government Order and immediately file the action dropped report in Crime No.53 of 2017.

7.This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

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

2.The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.

+1CC to M/s.A.P.Rajasimma, Advocate (SR24156)
+1CC to The Special Government Pleader (SR24715)

W.P. (MD) .No.12863 of 2021
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RT

RS (11.08.2021) 2P-5C