



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13380 of 2021

Vellaisamy

... Petitioner

Vs.

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

2.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli-622008.

3.The Inspector of Police,
Arimalam Police Station,
Pudukkottai 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 second respondent herein to renewal (or) re-issue the petitioner's passport No.J8605097.

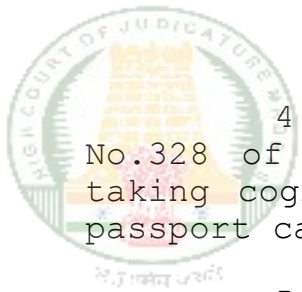
For Petitioner	:	Mr.D.Parisuthanathan
For R1 and R2	:	Mrs.L.Victoria Gowri, ASGI.
For R3	:	Mr.P.Subbaraj, Counsel for State.

ORDER

The petitioner seeks the renewal or re-issuance of Passport No. J8605097.

2. The petitioner states that he is a Sculptor by profession. He had applied for and obtained Passport No.E1211567 to travel outside India in connection with his profession. Upon expiry of such passport in 2011, he applied for a renewal thereof. Pursuant thereto, Passport No.J8605097 was issued. Such passport was going to expire on 04.09.2021. A request for renewal or re-issuance was made in such circumstances.

3. Upon receipt of such request, the petitioner received a communication dated 06.01.2021. By such communication, he was informed that an adverse police report was received on account of the pendency of Crime No.328 of 2020. Therefore, he was called upon to provide an explanation and furnish a Court order.



4. The petitioner states that the FIR lodged in Crime No.328 of 2020 has not culminated in a competent criminal court taking cognizance. Therefore, it is stated that the request for a passport cannot be denied merely by citing the pending FIR.

5. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India appears on behalf of the first and second respondents. On instructions, she submits that the second respondent has been informed that the charge sheet is under preparation and that the Superintendent of Police would provide an update in such regard shortly.

6. In response to the communication dated 06.01.2021, the petitioner has provided a written explanation on 19.01.2021. In such explanation, the petitioner has stated that he was wrongly implicated as an accused in Crime No.328/2020. He submits that there was a civil dispute in relation to a property. Such dispute was between one Karuppayee and Shanmugasundaram. According to the petitioner, he is a relative of Karuppayee and has therefore been unnecessarily dragged into the dispute between the aforesaid persons.

7. Upon receipt of an application for a passport, a statutory obligation is imposed on the second respondent to take a decision thereon within a reasonable time frame. Before taking such decision, it is needless to say that the explanation of the petitioner should be considered. The petitioner also points out that the mere pendency of a FIR is not an impediment for grant of a passport. The petitioner is permitted to submit an additional explanation by enclosing relevant documents or authorities in such regard. Such additional explanation shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent is directed to consider the petitioner's explanation and additional explanation and dispose of the request for a passport by a reasoned order within a period of two (2) months from the date of receipt of such additional explanation.

8. Accordingly, W.P.(MD).No.13380 of 2021 is disposed of on these terms without any order as to costs.

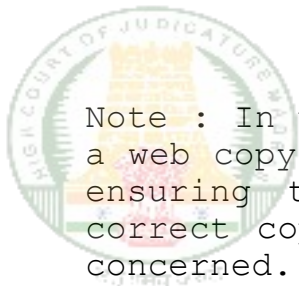
Sd/-

Assistant Registrar ()

// 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.

WEB COPY

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

2.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli-622008.

3.The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.

+1 CC to M/s.GP (SR-28698[F] dated 09/09/2021)

+1 CC to M/s.D.PARISUTHANATHAN, Advocate (SR-28639[F] dated 09/09/2021)

W.P (MD) No.13380 of 2021
08.09.2021

RK (20.09.2021) 3P 6C