



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.12.2021

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

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W.P. (MD) No. 7976 of 2019

M. Baskaran

... Petitioner

Vs.

1. The Regional Passport Officer,
Madurai Region,
Madurai.

2. The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the second respondent to give the clearance certificate with regard to no pendency of criminal cases against the petitioner, on the file of the second respondent Police to the first respondent in pursuance of the petitioner's Online application, dated 07.12.2018, made to the first respondent.

For Petitioner : Mr. K. Kannan

For Respondent No. 1 : Mr. S. Jeyasingh
Senior Panel Counsel

For Respondent No. 2 : Mr. P. Kottaichamy
Government Advocate
(Criminal side)

ORDER

The petitioner herein, whose application seeking Passport was not considered due to pendency of criminal case and refusal to issue Clearance Certificate by the second respondent Police, has come forward by way of present Writ Petition seeking Mandamus, to direct the second respondent Police to give clearance certificate for him, so that, the first respondent can consider his Passport Application.

2. On issuance of notice, the second respondent viz., the Inspector of Police, Manamadurai Police Station, Sivagangai

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District, has submitted that, on the date of application, i.e., 07.12.2018, the track record of the petitioner was considered. Since four cases were registered against him within Manamadurai Police Station limit and out of which, one case registered in Crime No.167 of 2018, for the offences punishable under Sections 279 and 338 of I.P.C. was pending, clearance certificate was not issued to the petitioner. Later, on 08.12.2018, the petitioner was convicted in that case, and sentenced to pay a fine of Rs.1,000/- in S.T.C.No.1295 of 2018.

3.Now, the learned Government Advocate (Criminal side) appearing for the second respondent states that since all the cases against the petitioner is now over, if there is any fresh request for clearance certificate, subject to the status on the date of seeking clearance certificate, the request of the petitioner will be considered.

4.The learned counsel appearing for the Regional Passport Officer, Madurai, would state that the Passport application of the petitioner was kept pending consideration till recently and when notice was sent to the petitioner to provide clearance certificate, he did not turn up. Further, the address provided by the petitioner was found to be his mother's residence and not the petitioner's residence. Since the Cell Phone number also could not be reached, the authorities closed the Passport application of the petitioner on 10.11.2021. If the petitioner provides his present address and makes fresh application, the same will be considered within 45 days from the date of receipt of the application.

5.Recording the above said submission, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1.The Regional Passport Officer,
Madurai Region,
Madurai.



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2. The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.

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

+1 CC to M/s.S.JEYASINGH, Advocate (SR-39381[F] dated
17/12/2021)

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