



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13699 of 2021

WEB COPY

Gokulkannan

... Petitioner

versus

- 1.The Regional Passport Officer,
Ministry of External Affairs,
Madurai.
- 2.The Superintendent Enquiry Officer,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002,
Tamil Nadu.
- 3.The Inspector of Police,
Utchipuli Police Station,
Ramanathapuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the 1st and 2nd respondents to issue passport on the petitioner's application with file No.MD1062905628520 dated 23.06.2021 based on his reply dated 09.07.2021.

For Petitioner : Mr.C.Susi Kumar
For Respondents : Mr.R.Baskaran
Counsel for State for R3
M/s.L.Victoria Gowri,
ASGI for R1 & R2

ORDER

The petitioner seeks the issuance of a passport on the basis of his application bearing File No.MD102905628520 dated 23.06.2021.

2.The petitioner states that he applied for a passport on 04.08.2020. In response thereto, a notice dated 25.06.2021 was issued to him by which he was directed to provide an explanation with regard to Crime No.2/2019 pending before the Utchipuli Police Station, Ramanathapuram. The petitioner provided such explanation by his letter dated 08.07.2021. According to the petitioner, he was not present at the scene of occurrence of the incident resulting in the FIR. More importantly, the petitioner states that even after the



lapse of 2 ½ years since the date of occurrence, the police did not file a final report and therefore the petitioner is entitled to a passport.

3.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the third respondent and Mrs.L.Victoria Gowri, learned ASGI, accepts notice on behalf of the first and second respondents.

4.Learned counsel for the petitioner has relied upon two orders passed by this Court in W.P.(MD).No.10755 of 2021 dated 25.09.2020 and W.P(MD).No.9033 of 2021 dated 30.04.2021 so as to contend that a passport cannot be refused merely because of a pending FIR, which does not culminate in a competent court taking cognizance thereof pursuant to a final report.

5.In the case at hand, the petitioner contends that the police did not investigate the occurrence which resulted in the lodging of the FIR and that no final report was filed. These are issues that should be examined and determined by respondents 1 and 2 by seeking the requisite information from the police authorities. Needless to say, in case the first and second respondents find that no competent Court has taken cognizance of the occurrence, the earlier judgments of this Court and the principles laid down therein would be required to be taken into consideration while taking a decision.

6.Subject to the above observation, without going into the merits of the matter, the first and second respondents herein are directed to dispose of the petitioner's application dated 23.06.2021 by a reasoned order within a period of two months from the date of receipt of a copy of this order. Such reasoned order shall be passed after putting the petitioner on notice and providing an opportunity to the petitioner to submit relevant documents.

7.W.P.(MD).No.13699 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// 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 petitioner.



To

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RS (16.08.2021) 3P 4C