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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.01.2021
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.(MD)No.14330 of 2020
and
W.M.P.(MD)No.11981 of 2020

Akbar Ali ... Petitioner

-Vs-

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

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Tiunelveli District.

3.The Inspector of Police,
O/o. The Inspector of Police,
Achan Pudur Police Station,
Tirunelveli District.

4.The Inspector of Police,
Vasco Police Station,
Goa South,
Goa. ... Respondents
(In Crime No.73 of 2013)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter Ref.No.FCL/309831033/20 dated 11.03.2020, quash the same and consequently directing the Respondent No.1 to reissue passport to the petitioner based on the petitioner's application in File No.MD2071819214119 dated 21.01.2019.

For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.D.Saravanan,
Cental Govt. Standing Counsel for R1.
Mr.C.Ramar,
Additional Government Pleader for R2 to R4

ORDER

Heard the learned counsel on either side.

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2.The petitioner seeks reissuance of his passport. The petitioner has given an application in this regard on 21.01.2019 to the first respondent. Since the same was not favorably considered, the present writ petition has been filed.

3.The first respondent by the impunged communication has stated that when particulars were called for from the petitioner, there was no response from his end and that therefore, his file was also closed.

4.Be that as it may, it is seen that cases were registered against the petitioner. Of course, if they are pending only at the FIR stage, they need not come in the way of granting relief to the petitioner. But one case registered against the petitioner by the fourth respondent has been taken on file as C.C.No.27/S/17/D on the file of the Judicial Magistrate Court, 'D' Court, Vasco, Goa. Therefore, it is for the petitioner to obtain permission from the jurisdictional Criminal Court. The first respondent will act based on the directions that may be issued by the jurisdictional Criminal Court.

5.Giving liberty to the petitioner to move the jurisdictional Criminal Court namely., Judicial Magistrate Court, 'D' Court, Vasco, Goa, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ias

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 – 625 002.

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2.The Superintendent of Police,
O/o. The Superintendent of Police,
Tiunelveli District.

3.The Inspector of Police,
O/o. The Inspector of Police,
Achan Pudur Police Station,
Tirunelveli District.

4.The Inspector of Police,
Vasco Police Station,
Goa South, Goa.

Copy to:-

The Judicial Magistrate Court,
'D' Court, Vasco, Goa.

+1 CC to Mr.D.SARAVANAN, Advocate (SR-1045[F] dated 19/01/2021)

+1 CC to SPL GP (SR-1146[F] dated 19/01/2021)

W.P.(MD)No.14330 of 2020
18.01.2021

VB (05.02.2021) 3P 8C

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