



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.14849 of 2021

and

W.M.P. (MD).No.11753 of 2021

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S.Gayathri

... Petitioner

Vs.

The Passport Officer,
Regional Passport Office,
Tiruchirappalli.

... Respondent

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent pertaining to its order dated 20.07.2021 and quash the same and consequently direct the respondent to issue passport to the petitioner based on the petitioner's passport Application **(*)No. TR2063438045721.**

For Petitioner : Mr.A.Senthilkumar

For Respondent : Mrs.L.Victoria Gowri, (ASGI)

ORDER

The petitioner challenges a communication dated 20.07.2021 by which the petitioner was called upon to provide an explanation in respect of a pending FIR as also to provide a court order.

2. The petitioner states that **(*)she** applied for a passport on 05.07.2021 and also paid the requisite charges in respect thereof. Subsequently, by letter dated 20.07.2021, the petitioner was informed that there is a case registered against **(*)her** before the Airport Police Station, Tiruchirappalli District in Crime No.225/2020. The petitioner states that the registration of a FIR is not an impediment for a grant of a passport unless a criminal court takes cognizance thereof. The present writ petition is filed in these facts and circumstances.

3. Mrs.L.Victoria Gowri, learned ASGI, accepts notice on behalf of the sole respondent.

4. The impugned communication dated 20.07.2021 calls upon the petitioner to provide an explanation. Instead of providing such explanation, the petitioner has prematurely invoked the jurisdiction of this Court. The petitioner justifies the filing of the case on



the ground that it is the settled legal position that the mere registration of a FIR is not a ground to refuse to issue a passport. Such reason is not a ground to file a writ petition instead of providing an explanation by stating the aforesaid before the authority concerned.

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5. Accordingly, without going into the merits of the matter, the petitioner is permitted to submit an explanation in response to the communication dated 20.07.2021 within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the respondent is directed to consider such explanation and dispose of the petitioner's request for a passport by a reasoned order. Such reasoned order shall be passed within a period of 30 days from the date of receipt of the petitioner's explanation.

6. W.P.(MD).No.14849 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P(MD).No.11753 of 2021 is closed.

Sd/-

Assistant Registrar (AS)

(*)Amended as per order of this court dated 14.09.2021

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Sbn

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

(*)To be substituted to the order already dispatched on 06.09.2021

The Passport Officer,
Regional Passport Office,
Tiruchirappalli.

W.P(MD)No.14849 of 2021

and

W.M.P.(MD).No.11753 of 2021

23.08.2021

MGJ(02.09.2021) 2P 2C

RK (21.09.2021) 2P 2C