



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15471 of 2021

A.Milansho Sherin Raj

... Petitioner

Vs.

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

2.The Inspector of Police,
Suchindram Police Station,
Kanniyakumari 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 first respondent to consider the petitioner's application No:MD2063095169120 dated 11.11.2020 and issue passport to the petitioner forthwith

For Petitioner : Mr.M.Beema Rao
For Respondents : Mr.K.Ashok Kumar Ram for R1
: Mr.P.Subbaraj,
Counsel for State for R2

ORDER

The petitioner seeks the consideration of his application for issuance of a passport.

2. The petitioner states that he applied for a passport under application No.MD2063095169120. Upon receipt thereof, the first respondent issued an acknowledgement by letter dated 11.11.2020. Subsequently, since the passport was not issued to the petitioner, the petitioner inquired as to why such passport was not issued and was informed that the first respondent had not received a report from the Police Department. Subsequently, he was informed



under Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. Upon further verification, the petitioner states that his name did not find a place in the original complaint but was subsequently included on the basis of a confession. In such circumstances, the petitioner submitted the representation dated 02.08.2021 to the first respondent stating that the mere pendency of a FIR, which has not culminated in a jurisdictional criminal court taking cognizance, is not an impediment for issuance of a passport. The present Writ Petition is filed on account of the non-consideration of such representation.

3. Mr.K.Ashok Kumar Ram, learned Standing Counsel, accepts notice on behalf of the first respondent and Mr.P.Subbaraj, learned Counsel for the State, accepts notice on behalf of the second respondent. It is submitted on behalf of the first respondent that the petitioner's representation would be considered and disposed of on merits within a reasonable time frame.

4. Accordingly, without going into the merits of the matter, the first respondent is directed to consider the petitioner's application for passport and the representation dated 02.08.2021. Upon such consideration, the first respondent is directed to dispose of the same by a reasoned order within a period of thirty (30) days from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner.

5. W.P.(MD).No.15471 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Regional Passport Officer,
Bharathi Ula Street,
Race Course Road, Madurai-625 002.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.

+1 CC to M/s.K.ASOK KUMAR RAM, Advocate (SR-27980[F] dated
02/09/2021)

+1 CC to M/s.GP (SR-27908[F] dated 02/09/2021)

W.P (MD) No.15471 of 2021
01.09.2021

MGJ(08.09.2021) 3P 5C