



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.15879 of 2021

WEB COPY

Kannadasan

... Petitioner

Vs.

1. The Regional Passport Officer,
The Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
2. The Superintendent Enquiry Officer,
The Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
3. The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to issue passport to petitioner's in application reference no.ARN:21-1004083019 and file No.MD 1063486261521 dated 02.08.2021 in light of the judgment of this Court in W.A(MD).No.301 of 2018 dated 27/03/2018.

For Petitioner	: Mr.S.J.Chakkaravarthy
For Respondents	: Ms.L.Victoria Gowri, ASGI
	for R1 & R2
	P.Subbaraj, Counsel for the State,
	for R3

O R D E R

The petitioner seeks issuance of a passport pursuant to the application bearing reference No. ARN:21-1004083019.

2. The petitioner states that he had applied for a passport under the reference number indicated above. In response, he received a letter dated 04.08.2021 from the first respondent stating that an adverse police verification report had been received to the effect that he was involved in Crime No.193 of 2017. Upon receipt thereof,



the petitioner submitted an explanation on 09.08.2021 to the passport office.

3. According to the petitioner, the request for passport cannot be refused merely because a FIR was registered against him. To put it differently, it is contended by the petitioner that unless such FIR results in a competent criminal court taking cognizance of the alleged offence, a passport cannot be refused. In support of such contention, he relies upon the judgment of a Division Bench of this Court in *Arumugam Vs. The Regional Passport Officer, Madurai Region Passport Officer*, W.A(D).No.301 of 2018, dated 27.03.2018.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the third respondent and Ms.L.Victoria Gowri, learned Assistant Solicitor General of India, accepts notice on behalf of respondents 1 and 2.

5. The petitioner has enclosed a copy of his passport application form as well as the explanation submitted to the passport office on 09.08.2021. A copy of the above mentioned judgment of the Division Bench of this Court has also been enclosed. In these facts and circumstances, the first and second respondents should consider such application and dispose of the same by a reasoned order.

6. Accordingly, without going into the merits of the matter, the first and second respondents herein are directed to consider the petitioner's application for a passport under application reference No.ARN:21-1004083019 and dispose of the same by a reasoned order within a period of two months from the date of receipt of a copy of this order after taking into account the explanation of the petitioner and the judgment of the Division Bench of this Court in W.A(MD).No.301 of 2018. Such reasoned order shall be issued after providing a reasonable opportunity to the petitioner.

7. W.P.(MD).No.15879 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Regional Passport Officer,
The Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
2. The Superintendent Enquiry Officer,
The Regional Passport Office,
Madurai, Bharathi Ula Veethi,
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3. The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai District.

+1 CC to M/s.S.J.CHAKKKARAVARTHY, Advocate (SR-28463[F] dated 07/09/2021)

+1 CC to M/s.GP (SR-28334[F] dated 07/09/2021)

W.P. (MD)No.15879 of 2021

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RD(15.09.2021) 3P 6C