



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P(MD).No.17116 of 2021

WEB COPY

K.Karthick

... Petitioner

**Vs.**

1.The Government of India,  
Ministry of External Affairs,  
New Delhi.

2.The Regional Passport officer,  
Regional Passport Office,  
Government of India,  
Ministry of External Affairs,  
Bharathi Ula Veethi  
Race Course Road  
Madurai 625 002

3.The Inspector of Police,  
Kottampatti Police Station,  
Kottampatti, Melur Taluk,  
Madurai District.

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned communication No.FCI/310950747/21 dated 18.06.2021 and quash the same and consequently direct the second respondent to issue passport to the petitioner by considering his application No.MD1062771184320 dated 10.11.2019 and for other reliefs within a period stipulated by this court.

For Petitioner : Mr.S.Atham Ali

For R1 and R2 : Mrs.L.Victoria Gowri  
Assistant Solicitor General of India

For R3 : Mr.P.Subbaraj  
Counsel for State

**ORDER**

The petitioner challenges a communication dated 18.06.2021 by which he was called upon to provide an explanation within fifteen days in respect of an adverse police verification report in connection with an application for issuance of a passport.



2.The petitioner states that he had applied for a passport so as to seek employment opportunities abroad. He received a communication dated 18.06.2021 in response to his application. Upon inquiry, he realize that a FIR was registered against him for an alleged offence under section 4(1) (a) of the Tamil Nadu Prohibition Act. The petitioner asserts that the said First Information Report has not culminated in a competent criminal court taking cognizance of the alleged offence. Therefore, it is stated that a passport cannot be refused merely because a FIR was registered against the petitioner.

3.Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, accepts notice on behalf of the first and second respondents and Mr.P.Subbaraj, learned counsel for the State, accepts notice for the third respondent. On instructions, learned Assistant Solicitor General of India submits that the application filed by the petitioner under application No.MD1062771184320 was closed on account of the failure of the petitioner to respond to the communication dated 18.06.2021. Therefore, she submits that the petitioner should file a fresh application and provide the necessary explanation in such fresh application. Upon receipt thereof, the said application would be disposed of in accordance with law.

4.In view of the submissions made on behalf of the first and second respondents, W.P.(MD).No.17116 of 2021 is disposed of by permitting the petitioner to submit a fresh application for a passport by providing an explanation with regard to Crime No.320 of 2019. Such fresh application shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent is directed to consider such application and dispose of the same in accordance with the Passports Act,1967 and the rules framed thereunder by also taking into account the earlier orders of this court with regard to the lodging of First Information Reports which do not culminate in a competent criminal court taking cognizance thereof. Such fresh application shall be disposed of within a period of two (2) months from the date of receipt of a copy of the application. However, there will be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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 Government of India,  
Ministry of External Affairs,  
New Delhi.

2.The Regional Passport officer,  
Regional Passport Office,  
Government of India,  
Ministry of External Affairs,  
Bharathi Ula Veethi  
Race Course Road  
Madurai 625 002

3.The Inspector of Police  
Kottampatti Police Station  
Kottampatti  
Melur Taluk  
Madurai District.

+1 CC to M/s.SPL. GP ( SR-30133[F] dated 24/09/2021 )

**W.P (MD) .No.17116 of 2021**  
**23.09.2021**

RD(1.10.2021) 3P 5C