



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.17249 of 2021

Mohamed Yaseer

... Petitioner

vs.

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

2. The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to issue a passport to the petitioner based on his application in File No:MD01C5022925321 within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.R.Karunanidhi
For R1	: Mr.K.Asok Kumar Ram Standing Counsel
For R2	: Mr.S.Shanmugavel Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction against the first respondent to issue passport to the petitioner based on on his application in File No:MD01C5022925321.

2.The petitioner had made necessary application for passport. He had completed Bachelor of Engineering and owing to his decision to go abroad to study further, he had applied passport. However, it is found that there were two First Information Reports registered against the petitioner herein. First FIR was in Crime No.382 of 2020 registered on 31.03.2020 by the Bodinayakanur Town Police Station, under Section 269 IPC and second FIR was in Crime No.550 of 2021 on 24.05.2021 again by the Bodinayakanur Town Police Station, under Section 269 IPC and Section 3 of Epidemic Diseases Act, 1897 and Section 179 of Motor Vehicles Act, 1988. Holding the registration of that two First Information Reports against the petitioner, the first respondent had not issued the passport.



3. I had a benefit of hearing the learned counsel for the petitioner, the learned Standing counsel for the first respondent and the learned Additional Government Pleader for the second respondent.

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4. It is established that the pendency of the First Information Reports should not be a deterring factor for grant of passport and even for renewal of existing passport. In the instant cases, I am further informed that one of the First Information Reports, namely, FIR in Crime No.382 of 2020 had been closed by the authorities and nothing further survives even for investigation into such offence. With respect to the second First Information Report, it had been registered at the time of lock down, which has been imposed by the Government and was only as a deterrent to the petitioner to abide by the rules rather than to categorise him as having committed any specific offence. I hope that the petitioner would realize the fact that he should abide by the rules and regulations which had been imposed on that particular date. At any rate, pendency of such First Information Report as stated earlier, should not be a ground taken by the first respondent to reject the application.

5. A direction is given to the first respondent to examine the documents submitted by the petitioner and if they are otherwise in order, and if the petitioner is eligible for receiving the passport, proceed further to issue passport to the petitioner *de hors* the fact that the First Information Report in Crime No.550 of 2021 as pending against the petitioner.

6. I am informed that the application already filed is pending and therefore, the first respondent may act on the said application and if any documents are required, call upon the petitioner to produce the same. Such exercise may be completed by the first respondent within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above observations, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (AD-II)

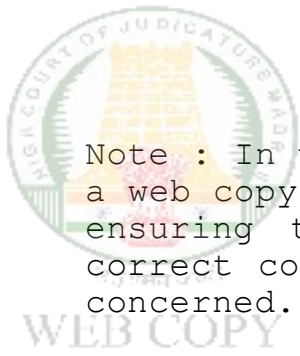
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/ /2021

Sub Assistant Registrar (CS)

sj i

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



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,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.
2. The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.

+1 CC to M/s.K.ASOK KUMAR RAM, Advocate (SR-37470[F] dated 06/12/2021)

+1 CC to M/s.SPL GP (SR-37588[F] dated 07/12/2021)

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