



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18049 of 2021

V.Ashok Kumar

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office, Madurai Region,
Bharathi Ula Street, Race Course Road,
Madurai - 625002.

2.The Inspector of Police,
D 3, Koodal Pudur Police Station,
Madurai City.

...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 re-issue the passport to the petitioner on the basis of his Application No.MD 1071618567518 in respect of his passport bearing No.S6973264 dated 05.11.2018 and also by considering his representation dated 02.09.2021 within the time stipulated by this Court.

For Petitioner
For R1

: Mr.C.Gangai Amaran
: Mr.Thalaimutharasu
Standing Counsel

For R2

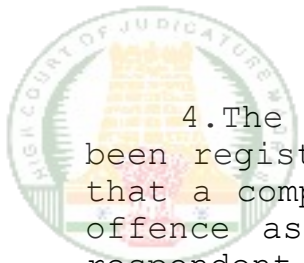
: Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction for the re-issuance of a passport to him on the basis of his Application No.MD 1071618567518.

2.The petitioner states that he was issued a passport after police verification. The said passport bearing No.H2622970 was valid up to 08.01.2019. Subsequently, it appears that a complaint was lodged against the petitioner and the same was registered in Crime No.965 of 2017 on 15.10.2017. The petitioner applied for re-issuance of the passport. On account of the registration of the FIR, a communication was issued to the petitioner on 28.11.2018 calling upon the petitioner to provide an explanation with regard to the registration of Crime No.965 of 2017. The petitioner states that he appeared before the first respondent in response to such communication and also submitted a representation dated 02.09.2021.

3.Mr.Thalaimutharasu, learned Standing Counsel, appears for the first respondent and Mr.P.Subbaraj, learned counsel for the State, appears for the second respondent. It is submitted on behalf of the first respondent that the petitioner's explanation would be considered and his application disposed of in accordance with law.



4.The facts on record indicate that Crime No.965 of 2017 has been registered against the petitioner. However, it does not appear that a competent criminal court has taken cognizance of the alleged offence as on date. This aspect should be examined by the first respondent. In several earlier orders of this Court, it has been held that the mere registration of a FIR would not constitute a bar with regard to the issuance of a passport. In any event, no findings are recorded herein and it is for the first respondent to take these aspects into consideration.

5.Subject to the above observations but without entering any findings on the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 02.09.2021 and dispose of the same by a reasoned order in accordance with the Passports Act, 1967 and the Rules framed thereunder. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of a copy of this order.

6.W.P(MD).No.18049 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

// 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 Regional Passport Officer,
Regional Passport Office, Madurai Region,
Bharathi Ula Street, Race Course Road, Madurai - 625002.

2.The Inspector of Police,
D 3, Koodal Pudur Police Station, Madurai City.

+1 CC to M/s.SPL.GP (SR-31492[F] dated 07/10/2021)

W.P(MD).No.18049 of 2021
06.10.2021

NSN(CO)

KB(25.10.2021) 2P 4C

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