



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18307 of 2021

R.Senthilramana

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road,
Tiruchirappalli - 620 008.

2.The Passport Seva Kendra,
New No.201/7D, Old No.201/7,
Medical College Road,
Next to Kumaran Cinema Theatre,
Thanjavur.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to issue Passport based on the explanation/representation dated 04.09.2021 within a time limit stipulated by this Hon'ble Court.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.P.Subbiah

Central Government Senior Panel Counsel

ORDER

The petitioner seeks a direction to the first respondent to issue a passport based on his representation dated 04.09.2021.

2. The petitioner states that he applied for a passport on 16.06.2019. Upon receipt thereof, the first respondent assigned File No.TR1062445998719. On 18.09.2019, it is stated that the petitioner appeared before the first respondent to produce the relevant documents. Upon scrutiny thereof, a communication dated 09.10.2019 was issued to the petitioner stating that a criminal case is pending as per the police verification report. Therefore, the petitioner was called upon to produce certain documents and also obtain proof of clearance of the pending criminal case. It appears that the petitioner did not respond to such communication. Instead, after submitting a representation dated 04.09.2021, the present Writ Petition is filed.

3. Mr.P.Subbaiah, learned Central Government Senior Panel Counsel, accepts notice on behalf of both the respondents. On



instructions, he submits that a communication dated 31.07.2020 was issued to the petitioner in view of the failure of the petitioner to respond to the earlier communication dated 09.10.2019. By the communication dated 31.07.2020, the petitioner was informed that File No.TR1062445998719 was closed in view of the failure of the petitioner to respond to the earlier communication. However, as indicated in the communication dated 31.07.2020, he states that if the petitioner submits a fresh application, the same would be considered and dealt with on merits.

4. The petitioner has enclosed a copy of the FIR registered in Crime No.318 of 2017. In addition, the petitioner has asserted that no competent criminal court has taken cognizance of the case pursuant to the registration of the FIR. In several earlier orders, this Court has clarified that the mere registration of a FIR would not be an impediment to the issuance of a passport unless the competent criminal court takes cognizance of the complaint. This aspect should be borne in mind by the respondents while considering a fresh application from the petitioner.

5. In the above mentioned facts and circumstances, W.P.(MD).No.18307 of 2021 is disposed of by permitting the petitioner to submit a fresh application for issuance of passport to the first respondent. Such application shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order by enclosing all relevant documents. Upon receipt thereof, the first respondent is directed to consider the said application by also taking into account the observations in this order and dispose of the same by a reasoned order within a period of three (3) months from the date of receipt thereof. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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

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+1 CC to M/s.P. SUBBIAH, Advocate (SR-32046[F] dated 20/10/2021)
W.P (MD) No.18307 of 2021
20.10.2021

PS (CO)

GC/JGB(01.11.2021) 3P 4C