



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19292 of 2020

WEB COPY

Sethupathy

... Petitioner

Vs.

1. The Passport Officer,
Regional Passport Office,
Kochadai, Madurai.

2. The Inspector of Police,
Keelavalavu police station,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue a passport to the petitioner based on his application in ARN:20-1005497491 dated 04.12.2020 within a time frame fixed by this Court.

For Petitioner : Mr.P.Senguttuarasan

**(*) For R-1 : Mr.P.Paulpandi,
Senior Panel Counsel.**

**(*) For R-2 : Ms.M.Rajeswari,
Government Advocate.**

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for **(*) the second respondent and the learned Standing counsel appearing for the first respondent.**

2. The petitioner applied for issuance of passport. The petitioner's request was not considered on account of the reception of adverse report from the second respondent. The first respondent has filed a counter affidavit. It is seen therefrom that the denial of the petitioner's request was on account of the report given by the second respondent. It is seen that the case pending against the petitioner is on account of non-wearing of mask during the lock-down period.



3. I am of the view that for this, the petitioner's right to obtain passport cannot be denied. In any event, the criminal case against the petitioner is only pending at the FIR stage. It is well settled that mere pendency of the First Information Report cannot be a ground to deny passport. If the petitioner is entitled to in all other respects, the first respondent will issue passport to the petitioner after completing all the usual formalities.

4. This writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CO)

**(*)Corrected as per the order of
this Court dated 02.03.2021**

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

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:

(*)to be substituted to the order already despatched on 02.02.2021

1. The Passport Officer,
Regional Passport Office,
Kochadai, Madurai.
2. The Inspector of Police,
Keelavalavu police station,
Madurai District.

+1 CC to M/s.GP (SR-1098[F] dated 19/01/2021)

W.P.(MD)No.19292 of 2020
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ac(CO)

TR(03.03.2021) 2P 4C