



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.19189 of 2021

Anwar Ali

... Petitioner

Vs.

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

2.The Superintendent of Police,
District Police Office,
Ramanathapuram District.

3.The Inspector of Police,
Chathrakudi Police Station,
Chathrakudi,
Ramanathapuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to issue the passport in respect of petitioner application in File No.MD01C5028541821 dated 18.08.2021 within a stipulated time prescribed by this Court.

For Petitioner : Mr.S.A.S.Alaudeen

For Respondent : Mr.A.Srinivasan, for R1

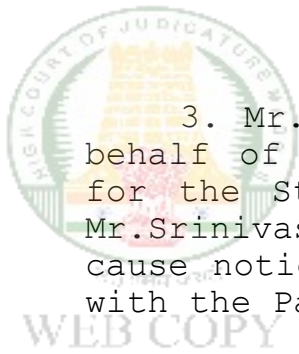
Mr.P.Subbaraj,

Counsel for the State for R2 and R3.

O R D E R

The petitioner seeks a direction for the issuance of a passport pursuant to the application bearing file No.MD01C5028541821 dated 18.08.2021.

2. The petitioner states that he submitted the above mentioned application for a passport. In response thereto, on 25.08.2021, he received a show cause notice. By such show cause notice, he was informed that an adverse police verification report was received to the effect that Crime No.2 of 2021 has been registered against the petitioner. In response to such show cause notice, the petitioner submitted an explanation dated 06.09.2021. The petitioner contends that mere registration of a FIR is not a ground to reject the application for a passport unless a competent criminal court takes cognizance of the offence.



3. Mr.A.Srinivasan, learned Standing Counsel, accepts notice on behalf of the first respondent and Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 2 and 3. Mr.Srinivasan submits that the petitioner's explanation to the show cause notice would be duly considered and disposed of in accordance with the Passports Act, 1967 and the Rules framed thereunder.

4. In several cases, this Court has held that the mere registration of a FIR is not a sufficient reason to reject an application for a passport. This aspect should be taken into account by the first respondent while deciding the application of the petitioner.

5. Accordingly, W.P(MD).No.19189 of 2021 is disposed of by directing the first respondent to consider the petitioner's explanation dated 06.09.2021 and dispose of the application for issuance of a passport 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 thirty (30) days from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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

2.The Superintendent of Police,
District Police Office,
Ramanathapuram District.

3.The Inspector of Police,
Chathrakudi Police Station,
Chathrakudi, Ramanathapuram District.

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-33145[F] dated 29/10/2021)

+1 CC to M/s.SPL.GP (SR-33198[F] dated 29/10/2021)

W.P. (MD)No.19189 of 2021

28.10.2021

KS (CO)

GC/PM(12.11.2021) 2P 6C

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