



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.20495 of 2021

Jubair Ahamed

... Petitioner

vs.

1.The Regional Passport Officer,
Barathi Ula Veethi,
Racecourse Road, Madurai-625 002.

2.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue passport to the petitioner based on the petitioner's application in File No.MD1062960040520, dated 17.06.2020.

For Petitioner	:Mr.Seeni Sulthan for Mrs.M.Seeni Ragamath Nisha
For R1	:Mrs.L.Victoria Gowri Assistant Solicitor General
For R2	:Mr.J.John Rajadurai Government Advocate

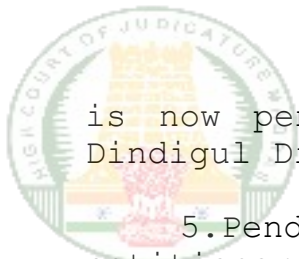
O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the first respondent to issue passport to the petitioner based on the petitioner's application in File No.MD1062960040520, dated 17.06.2020.

2.Heard Mr.Seeni Sulthan, learned Counsel for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General for the first respondent and Mr.J.John Rajadurai, learned Government Advocate for the second respondent.

3.The petitioner has applied for passport with the first respondent. Necessary documents have been forwarded to the first respondent in application No.MD1062960040520, dated 17.06.2020. As is normally done, the first respondent had forwarded the application to the second respondent/Inspector of Police, Batalagundu Police Station, to obtain a report regarding whether the petitioner had come to any adverse notice of the second respondent.

4.It is informed that an FIR in Cr.No.42 of 2020 had been registered against the petitioner under Sections 143, 283 and 341 IPC and on conclusion of the investigation, a final report had been filed, which had been taken cognizance as S.T.C.No.326 of 2020 and



is now pending before the Judicial Magistrate Court, Nilakottai, Dindigul District.

5.Pendency of a criminal case cannot be held against the petitioner. However, an obligation is placed on the petitioner to obtain prior permission from the concerned Court before going abroad. In view that particular position, the first respondent may proceed further to examine the application of the petitioner, but, however, issue notice to the petitioner for personal appearance and obtain an undertaking from the petitioner that if ever he uses the passport to go abroad, then, he would obtain prior permission from the Court, in which S.T.C.No.326 of 2020 is pending and only thereafter, would go abroad.

6.Placing that particular obligation on the petitioner, a direction is given to the first respondent to proceed further to examine the application of the petitioner and if it is otherwise in order, pass necessary orders within a period of twelve weeks from the date of receipt of a copy of this order.

7.I am informed by the learned Counsel for the petitioner that S.T.C.No.326 of 2021 no more survives on the file of the Judicial Magistrate Court, Nilakottai. If that be so, the petitioner may also give a copy of that particular order to the first respondent.

8.With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1. The Judicial Magistrate Court, Nilakottai

2.The Regional Passport Officer,
Barathi Ula Veethi, Racecourse Road, Madurai-625 002.

3.The Inspector of Police,
Batlagundu Police Station,Dindigul District.

+1 CC to M/s.SPL GP (SR-37774[F] dated 08/12/2021)

W.P. (MD)No.20495 of 2021
07.12.2021

SE (CO)

<https://hccs1.ecourts.gov.in/services/2P/5C>