



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.21084 of 2021

V.Rajakumaran

... Petitioner

Vs .

1.The Government of India,
Ministry of External Affairs,
New Delhi.

2.The Regional Passport Office,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

3.The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu
Melur Taluk
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned communication No.SCN/307353997/18 dated 10.07.2018 and quash the same and consequently direct the second respondent to issue passport to the petitioner by considering his application No.MD1061323691718 dated 06.07.2018 and for other reliefs within a period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For R1 & R2 : M/s.Ramya
For L.Victoria Gowri

For R3 : Assistant Solicitor General of India
: Mr.S.Shanmugavel
Additional Government Pleader



ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus, seeking interference with the communication of the second respondent/Regional Passport Officer, Madurai, in No.SCN/307353997/18, dated 10.07.2018 and to set aside the same and to issue passport to the petitioner. The petitioner had applied for passport on 06.07.2018.

2.The second respondent, who processes the passport application, had sought for remarks from the third respondent/Inspector of Police, Keelavalavu Police Station, Melur Taluk in Madurai District. It had been stated that Crime No.148 of 2015 had been registered as against the petitioner herein for the offence under sections 147, 148, 294b, 323, 506(1), 307 of IPC and also under Sections 3(1)(r)(s), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Ordinance Act, 2014.

3.In this Connection, the second respondent had naturally issued a show cause notice to the petitioner on 10.07.2018 seeking clarification with respect to the status of the First Information Report aforementioned. The petitioner did not give any reply. Further reminder was issued to the petitioner on 04.07.2019. Again the petitioner did not reply. This necessitated the second respondent to close the application filed by the petitioner herein.

4.It is the duty of the petitioner to go over to the second respondent and clarify any of the doubts raised and this is only in the nature of enquiry by the second respondent to ensure that the petitioner is actually the applicant, that the petitioner is eligible to receive the passport and that the passport issued would not be used by the petitioner to the detriment of this country. However, the petitioner had no response. Now the application of the petitioner had been closed.

5.It is obligatory on the petitioner to file a fresh application. If the petitioner files a fresh passport application, he must also give necessary details about the earlier passport application which had been closed and it would only be in his interest to give details of the afore mentioned Crime No.148 of 2015 and the status as on date. I am confident that the second respondent would examine the application in its true letter and spirit. If any clarification is required, the second respondent may again address the petitioner and the onus is on the petitioner to answer to such notice issued and give necessary explanation. As on date, since no application is pending on the file of the second respondent as of now, this Court cannot issue any direction to the respondents.



6. With the above observations, the Writ Petition is disposed of, however, giving liberty to the petitioner to file a fresh passport application. No costs.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

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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 Government of India,
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2. The Regional Passport Office,
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MGJ(28.12.2021) 3P 4C