



WEB COPY



W.P.No.7056 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.7056 of 2022

P.Praveen Raj

...Petitioner

VS.

1. The Regional Passport Officer,
Rayala Towers 2 and 3,
IV Floor,
New No.158, Anna Salai,
Chennai – 600 002.

2. The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to issue a passport based upon the petitioner's passport application in File No.MA1062217366519, dated 08/2019.

For petitioner

: Mr.N.Kumar

For respondents

: Mr.R.Subramanian
CGSC for R1
Mr.K.H.Ravikumar,
Govt. Advocate for R2



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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to issue a passport based upon the petitioner's passport application in File No.MA1062217366519, dated 08/2019, within a stipulated time to be fixed by this Court.

2. Heard Mr.N.Kumar, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the 2nd respondent.

3. According to the petitioner, the first respondent has not processed his Passport application on the ground that an FIR is pending against him in Crime No.563 of 2017.

4. It is settled law that pendency of an FIR will not prohibit the first respondent from issuing Passport. It depends on the facts and circumstances of each case and the nature of the FIR.



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5. The learned Standing counsel for the first respondent has placed before this Court the written instructions received by him from the first respondent, wherein it has been stated that since there was no proper response from the petitioner with regard to the show cause notice issued by the first respondent, the petitioner's Passport application was closed.

6. The learned counsel for the petitioner on instructions would now submit that the petitioner is willing to submit a fresh Passport application provided the first respondent considers the same on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing.

7. No prejudice would be caused to the respondents if such a direction is issued by this Court.

8. For the foregoing reasons, this Court directs the petitioner to submit a fresh Passport application to the first respondent seeking for issuance of Passport in his name within a period of one week from the date of receipt of a copy of this order. On receipt of the said Passport application, the first respondent shall pass final orders on merits and in



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accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of four weeks thereafter.

9. With the aforesaid directions, this writ petition is disposed of.

No costs.

21.06.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
1. The Regional Passport Officer,
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ABDUL QUDDHOSE, J.

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