



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM :

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.8455 OF 2022

B.Balasubramanian

...Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirapalli.

2.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection order, letter ref. No.SCN/312240927/22, dated 28.02.2022 issued by the 1st respondent and to quash the same and to consequently to issue passport to the petitioner in application bearing No.TN1073962805722.

For petitioner : Mr.P.Vijendran

For Respondents : Mr.P.J.Anitha,
ACGSC for R1
Mr.S.J.Mohammed Sathik
Government Advocate for R2

ORDER

This writ petition has been filed challenging the impugned communication dated 28.02.2022 issued by the first respondent. The petitioner has applied for passport with the first respondent. Since criminal cases are pending against him, the first respondent has issued the impugned communication dated 28.02.2022. In the said communication, the petitioner has been informed that criminal cases are pending against the petitioner and therefore he was called upon to come for an enquiry with the requisite documents. The petitioner has not enclosed the explanation submitted by him with regard to the criminal cases pending against him.



2. Heard Mr.P.Vijendran, learned counsel for the petitioner; Mr.P.J. Anitha, learned ACGSC for the 1st respondent and Mr.S.J. Mohammed Sathik, learned Government Advocate for the 2nd respondent.

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3. The learned counsel for the petitioner would submit that there are three criminal cases and all are related to minor offences. In the counter affidavit filed by the first respondent before this Court they have stated that an adverse police verification report was received from the Superintendent of Police, Nagapattinam against the petitioner and as per the said report, three FIR's have been registered against the petitioner in Mayiladuthurai Police Station in Crime Nos.1750 of 2021, 1845 of 2021 and 1536 of 2021. The first respondent has also acknowledged the fact that the petitioner has sent a reply dated 24.03.2022 admitting that there are three cases registered against him in the Mayiladuthurai Police Station and that he was falsely implicated in all three cases and also mentioned that he is an innocent and law abiding citizen. The first respondent has also stated in the counter affidavit that the petitioner's passport application will be processed on merits and in accordance with the provisions of the Passport Act, 1967 on receipt of the current status of the criminal cases, pending against the petitioner.

4. It is settled law that pendency of an FIR will not prohibit the first respondent from issuing Passport to any applicant. The issuance of Passport depends on the facts and circumstances of each case and the nature of the FIRs. The petitioner pleads that he is an innocent person and is not involved in the alleged offences. According to him, the FIRs registered against him are minor offences.

5. It is for the first respondent to consider the FIRs' registered against the petitioner and thereafter decide as to whether the petitioner is entitled for a Passport or not. No prejudice would be caused to the first respondent if the petitioner's application seeking for issuance of passport is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permitting him to produce all relevant records / documents in support of his claim for passport.

6. For the foregoing reasons, the first respondent shall pass final orders on the petitioner's Passport application dated 17.02.2022, within a period of eight weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permitting him to produce all the relevant



documents / records in support of his claim for issuance of passport.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

vsi2

To

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirapalli.

2.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.

+1cc to Mr.P.Vijendran, Advocate Sr.No.37010

+1cc to M/s.P.J.Anitha, Advocate Sr.No.36765

W.P.No.8455 of 2022

SSI (CO)
RVM(01/07/2022)