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W.P.No.16673 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.16673 of 2022

K.M.Anwar Ismail

.. Petitioner

Vs.

1.The Regional Passport Officer,
O/o. Regional Passport Office,
Rayala Towers,
Old No.785, New No.158, Anna Salai,
Chennai – 600 002.

2.The State represented by
The Sub-Inspector of Police (L&O),
D-1, Triplicane Police Station,
Chennai – 600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct 1st respondent to reissue the passport of the petitioner in Application Reference No.A.P. 22-1005591291 dated 22.05.2022.

For Petitioner : Mr.Niranjan Rajagopalan
for Ms.Megha Kumar

For Respondents : Mr.R.Subramanian
Additional Central Government Standing Counsel
Mr.T.Seenivasan
Special Government Pleader [R2]



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ORDER

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This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to re-issue the petitioner's passport based on his application dated 22.05.2022.

2. The case of the petitioner is that he is the holder of a passport which is valid up to 2029. Since the pages in the passport has got exhausted, the petitioner has applied for re-issuance of his passport through his application dated 22.05.2022. According to the petitioner, since an FIR is pending against him in Crime No.153 of 2022 on the file of the second respondent, the first respondent has not re-issued the passport till date. The petitioner also states that he has filed a petition before this Court to quash the FIR in CrI.OP.No.14138 of 2022, which is pending.

3. Mr.R.Subramanian, learned Additional Central Government Standing counsel accepts notice on behalf of 1st respondent and Mr.T.Seenivasan, learned Special Government Pleader accepts notice on behalf of 2nd respondent. By consent of both parties, this Writ Petition is taken up for final disposal in the admission stage itself.



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4. It is a settled law that pendency of an FIR will not prohibit the first respondent from issuing/re-issuing passport. It is for the first respondent to consider each and every case on merits and in accordance with law and decide, despite the pendency of an FIR as to whether a passport can be issued/re-issued to any applicant or not.

5. Even though the learned counsel for the petitioner submits that an explanation has already been given with regard to the FIR pending against the petitioner, since the same is not enclosed along with the typed set of papers filed in this Writ Petition, the petitioner is directed to submit a fresh explanation to the first respondent, who shall consider the same on merits and in accordance with law and after affording a fair hearing to the petitioner and decide as to whether a passport can be re-issued to the petitioner or not.

6. No prejudice will be caused to the respondents if such an exercise is done.



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7. For the foregoing reasons, this Court directs the petitioner to submit a fresh explanation to the first respondent with regard to the pendency of an FIR in Crime No.153 of 2022 dated 20.02.2022 pending against him, within a period of one (1) week from the date of receipt of a copy of this order and on receipt of the explanation, the first respondent shall pass final orders on merits and in accordance with law in respect of the application dated 22.05.2022 submitted by the petitioner, seeking for re-issuance of his passport, within a period of four (4) weeks thereafter, after affording a fair hearing to the petitioner including, granting him the right of personal hearing.

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

01.07.2022

Speaking/Non-speaking order
Index: Yes/No

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To

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ABDUL QUDDHOSE,J.

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