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W.P.No.26373 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.26373 of 2022

S.Saravanan

.. Petitioner

vs

1. The Regional Passport Officer
Chennai Royala Towers No.2 & 3
IV Floor, Old No.785, New No.158
Anna Salai, Chennai - 600 002.

2. The Superintendent of Police
Veppur, Cuddalore District - 606 302.

3. The Inspector of Police
Veppur Police Station
Cuddalore District - 606 302.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to issue passport pursuant to the petitioner's application Number ARN:22-1006399543, file Number MA3064308065322, dated 14.06.2022 and the petitioner's representation 16.06.2022 dated.



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For Petitioner : Ms.L.Karthiga

For Respondents : Mr.M.Sathyan
Central Government Standing Counsel
for respondent 1

Mr.R.Kumaravel
Additional Government Pleader
for respondents 2 and 3

ORDER

The prayer sought for herein is a Writ of Mandamus, directing the first respondent to issue passport pursuant to the petitioner's application Number ARN:22-1006399543, file Number MA3064308065322, dated 14.06.2022 and the petitioner's representation dated 16.06.2022.

2. The petitioner made an application to the first respondent Department on 14.06.2022 and subsequently a representation dated 16.06.2022 for issuance of passport. However, the same since has been pending, the petitioner in order to seek for a mandamus to give direction to the first respondent to pass orders on the application of the petitioner, has moved the present writ petition.

3. Heard Ms.L.Karthiga, learned counsel appearing for the petitioner and



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Mr.M.Sathyan, learned Central Government Standing Counsel appearing for the first respondent who, on instructions, would submit that there is a criminal case pending against the petitioner i.e., at the FIR stage. Therefore, in order to get an explanation from the petitioner as to whether the investigation is over and subsequently charge sheet has been filed or not, a communication has been issued on 24.06.2022, pursuant to which, since there has been no response, the issue has been kept pending.

4. Learned counsel appearing for the petitioner however would submit that since it is only in the FIR stage, therefore, that may not be an impediment for the first respondent to consider the application of the petitioner for grant of passport.

5. Considering the said factual aspects as well as the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be a direction to the respondents to issue notice afresh to the petitioner to appear before the first respondent and the date is to be mentioned in the notice. The



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petitioner shall appear before the first respondent and give explanations as to the stage of the FIR against the petitioner which was pending in Veppur Police Station in Crime No.298 of 2018 for the alleged offences punishable under Sections 21(1), 379 and 430 of the Mines and Minerals (Development & Regulation) Act, 1957.

(ii) After hearing the petitioner, it is for the first respondent to decide as to whether the application submitted by the petitioner can be processed further or not and accordingly, an order to that effect, on merits, can be passed within the period of four weeks thereafter.

6. With these directions, this writ petition is disposed of. There will be no order as to costs.

01.12.2022

Index: Yes/No

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To

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R. SURESH KUMAR, J.

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