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W.P.No.28762 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.28762 of 2022

Mohamed Faisal

... Petitioner

Vs

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

2.The Inspector of Police
Ulundurpet Police Station,
Villupuram.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to issue Passport to the petitioner by considering the passport application in file number MA4064307781722 dated 14.06.2022 and the petitioner's representation dated 08.08.2022 and 23.09.2022.

For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.S.Mahesh
Addl. Central Govt. Standing Counsel
for R1
: Mr.L.S.M.Hasan Fizal
Additional Govt. Pleader for R2



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ORDER

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The prayer sought for herein is for a writ of mandamus directing the 1st respondent to issue Passport to the petitioner by considering the passport application in file number MA4064307781722 dated 14.06.2022 and the petitioner's representation dated 08.08.2022 and 23.09.2022.

2. The petitioner made application for getting a new Passport on 14.06.2022 and the same has not so far been processed and no orders have been passed, despite the petitioner has given some representation on 08.08.2022 and 23.09.2022, therefore he moved the present writ petition with the aforestated prayer.

3. Heard Mr.I.Abdul Basith, learned counsel appearing for the petitioner who would submit that, initially the application submitted by the petitioner has not been processed on the alleged ground that there was an FIR registered on the file of the 2nd respondent Police and subsequently the same was quashed by order of this Court dated 08.09.2022 made in CrI.O.P.No.21113 of 2022.



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4. Since the very FIR itself has been quashed by the orders of this Court and the mere filing of FIR and even the pendency of the FIR at the time of making an application to the respondent for getting a passport may not preclude the respondents from processing the application and to issue the passport if the petitioner is otherwise eligible, therefore the stand taken by the respondents that because of the pendency of the FIR, the application has not been processed may not be justifiable.

5. However, Mr.S.Mahesh, learned Additional Central Government Standing Counsel appearing for the 1st respondent on instruction would submit that, merely because the FIR, which was pending at the time of application, was subsequently quashed as claimed by the petitioner in a CrI.O.P. before this Court, would not make automatically the petitioner entitled to seek for the passport, because, as per Section 10(3)(b) of the Passports Act, 1967 even the suppression of the material fact in the application at the time to make for getting a passport would make the applicant disentitled to get the passport, therefore on that ground the plea of the petitioner can be rejected.

6. Insofar as the quashing of the FIR is concerned, the learned



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Additional Government Pleader appearing for the 2nd respondent submits that this Court has already quashed the FIR.

7. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials before this Court.

8. Insofar as the stand taken by the 1st respondent that under the provisions of the Passports Act even the suppression would be a ground under which rejection can be made on the application of the petitioner for grant of passport is concerned, that has been decided on merits by the 1st respondent and in this regard an opportunity of hearing can be given to the petitioner where it is open to the petitioner to take his defence before the officer concerned of the 1st respondent and based upon which the 1st respondent can take a decision accordingly on the application of the petitioner.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the 1st respondent to process the application of the petitioner dated 14.06.2022 and in



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this process the petitioner shall be given an opportunity of being heard by the 1st respondent and after hearing him, the 1st respondent can decide the application of the petitioner and orders can be passed thereon on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

10. With this direction, this Writ Petition is disposed of. No costs.

01.11.2022

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

1. The Regional Passport Officer,
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New No.158, Anna Salai,
Chennai – 600 002.
2. The Inspector of Police
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R. SURESH KUMAR, J.

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