



WEB COPY



W.P.No.28763 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.28763 of 2022

Mohamed Hajali

... 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 Deputy Superintendent of Police,
Special Intelligence Unit,
Special C.I.D., Vellore.

... 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 MA4073871026122 dated 07.01.2022 and representation dated 20.09.2022 of the petitioner.

For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.R.K.Gandhi
Standing Counsel for R1
: Mr.L.S.M.Hasan Fizal
Additional Govt. Pleader for R2



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ORDER

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 MA4073871026122 dated 07.01.2022 and representation dated 20.09.2022 of the petitioner.

2. The petitioner made application for getting a new Passport on 07.01.2022 and the same has not so far been processed and no orders have been passed, despite the petitioner has given some representation on 20.09.2022, 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 a case in P.R.C.No.39 of 2011 registered on the file of the Judicial Magistrate No.1, Cuddalore, however subsequently the same was quashed by order of this Court dated 01.03.2021 made in CrI.O.P.No.3878 of 2021.

4. Since the proceedings in P.R.C.No.39 of 2011 has been quashed by



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the orders of this Court and the mere filing of FIR/charge sheet and even the pendency of the FIR/charge sheet at the time of making an application to the respondents 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/charge sheet, the application has not been processed may not be justifiable.

5. However, Mr.R.K.Gandhi, learned Standing Counsel appearing for the 1st respondent on instruction would submit that, since there was a charge sheet pending against the petitioner at the time of processing the application, in order to get further instruction as to whether any conviction has been inflicted against the petitioner pursuant to the said charge sheet, the passport authority waited for sometime and now if it is a case of the petitioner that the charge sheet already has got quashed by the orders of this Court as referred to above, the application of the petitioner would be processed and necessary orders to that effect on merits would be passed within a time frame that may be stipulated by this Court.



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6. I have considered the said submissions made by the learned counsel appearing for the parties especially the stand taken by the learned Standing Counsel appearing for the 1st respondent. Hence 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 07.01.2022 in the light of the order passed by this Court dated 01.03.2021 in CrI.O.P.No.3878 of 2021 and after giving an opportunity of being heard to the petitioner if any such need arises, the said application shall be decided on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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

01.11.2022

Index : Yes/No

Speaking Order : Yes/No

Sgl



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To

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R. SURESH KUMAR, J.

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