



W.P.No.31581 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.31581 of 2022

Ponnambalam Venkatesa Pillai

.... Petitioner

-Vs-

1.The Regional Passport Officer
Regional Passport Office
Rayala Towers, No.2&3, IV Floor
New No.158, Anna Salai
Chennai 600 002.

2.The Inspector of Police
C-1, Sriperumbudur Police Station
Kancheepuram District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take steps to issue passport in respect of the application MA1064441244122 dated 27.07.2022 based on the petitioner's representation dated 07.11.2022.

For Petitioner : Mr.V.Tamizh Selvan

For Respondents : Mrs.P.J.Anitha
Central Government Standing Counsel-for R1

Mr.A.Selvendran
Special Government 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 respondents to take steps to issue passport in respect of the application MA1064441244122 dated 27.07.2022 based on the petitioner's representation dated 07.11.2022.

2. The petitioner made an application for getting passport on 27.07.2022 in application No. MA1064441244122 to the first respondent. Subsequently, a representation also has been given on 07.11.2022 because from July onwards the said application has been pending.

3. It is the case of the petitioner that, since there has been a FIR pending against the petitioner on the file of the second respondent police where further investigation has not been made and no charge sheet has been filed and at this stage, no NOC can be obtained from the concerned Court even though that was attempted by the petitioner.

4. It is the further case of the petitioner that, the petitioner's daughter is in the advanced stage of pregnancy in a foreign country and the petitioner wants to visit her for few months and he will return back. The petitioner is ready and



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willing to execute whatever bond in this regard if the first respondent office imposes any condition, that also the petitioner is ready to abide by it. Therefore, in the circumstances, a direction can be given to the 1st respondent to consider the application of the petitioner on merits and decide the same within a time frame.

5. Heard Mr.V.Tamizh Selvan, learned counsel for the petitioner, who after having reiterated the aforesaid facts, would seek the indulgence of this Court for appropriate directions to the first respondent.

6. Heard Mrs.P.J.Anitha, learned Central Government Standing Counsel for the 1st respondent and Mr.A.Selvendran, learned Special Government Pleader takes notice for the 2nd respondent.

7. Learned Central Government Standing Counsel appearing for the 1st respondent submits that, if any FIR is pending with the second respondent and pursuant to which if the investigation is completed and charge sheet is filed, ultimately the application seeking passport would be considered on the petitioner producing an NOC from the court concerned as the first respondent may not be knowing as to the stage of the case and in that regard, whether the presence of the petitioner is required in the concerned Court for trial of the case. Therefore,



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once the petitioner produces the NOC from the first respondent, the application of the petitioner for passport would be considered accordingly.

8. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

9. If the case pending against the petitioner on the file of the second respondent is investigated and charge sheet is filed and CC No. is given by the concerned criminal court, it is open to the petitioner to approach the Court to get the NOC and produce the same before the first respondent office and the application of the petitioner can be considered. Otherwise, if the case is still in the FIR stage, the plea of the petitioner, considering the aforesaid circumstances, can be considered by the first respondent and accordingly orders can be passed disposing of the application of the petitioner for getting the passport. The needful as indicated above shall be undertaken by the first respondent in case of NOC, within four weeks from the date of receipt of the NOC or in case of no NOC, within four weeks from the date of receipt of a copy of this order. With the above directions, this writ petition is disposed of. No costs.

25.11.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy on 28.11.2022



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To

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R. SURESH KUMAR, J.

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