



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **19.12.2022**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 33161 of 2022

Samsudeen Mohamed Salih

... Petitioner

..Vs..

1. The Regional Passport Officer
Shastri Bhavan
Haddows Road,
Chennai – 600 006.

2. The Sub Inspector
F-1, Chintadripet Police Station
Chennai – 600 002.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the first respondent to issue the passport applied in File No. MA1074658259322 pending FIR No. 101 of 2017 on the file of the second respondent within 13.12.2022.

For Petitioner :: Mr. R.Abdul Mubeen

For 1st Respondent :: Mr.T.V.Krishnamachari

For 2nd Respondent :: Mr. R.Vinothraja
Government Advocate

**ORDER**

WEB COPY

The petitioner seeks passport to be issued to him. It was refused by the first respondent holding out that the second respondent had registered a FIR against the petitioner herein.

2. The petitioner had earlier filed W.P.No. 29698 of 2022 which came up for consideration before a learned Single Judge of this Court, who by an order dated 10.11.2022 directed the petitioner to appear before the first respondent for enquiry and provide clarifications for the details sought.

3. The learned counsel for the petitioner stated that the petitioner did so appear and forwarded the clarifications.

4. The present Writ Petition has been filed again for a Mandamus seeking a direction to the first respondent to issue passport which was applied in File No.MA1074658259322 dated 10.10.2022. The petitioner seeks re-issue of the earlier passport.



5. The petitioner appears to be lead a quite interesting life.

The second respondent had registered an FIR in Crime No. 101 of 2017 for offences under Sections 170, 171 and 506(i) IPC and also yet another FIR in Crime No. 129 of 2018 under Sections 147, 148, 294(b), 324, 447 and 506 IPC . With respect to the second FIR, namely, Crime No. 129 of 2018, I am informed by the learned Government Advocate (Crl. Side) for the second respondent that the investigation had been completed and charge sheet had also been filed before the XIV Metropolitan Magistrate at Egmore, in C.C.No. 1867 of 2021. The petitioner is now put on notice of that particular Calendar Case pending against him. Let him appear before the particular Court whenever he receives summons. Pendency of a FIR or even a criminal case cannot be a bar for the first respondent to refuse to re-issue the passport.

6. A direction is given that if the petitioner satisfies other conditions, the first respondent may proceed to issue / re-issue the passport of the petitioner herein within a period of six weeks from the date of receipt of a copy of this order. The petitioner must also appear before the jurisdictional Magistrate Court.



WEB COPY



C.V.KARTHIKEYAN, J.,

vsg

7. Recording as above, the Writ Petition stands allowed.

19.12.2022

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. The Regional Passport Officer
Chennai Royala Towers
No. 2 & 3, IV Floor,
Old No. 785, New No. 158
Anna Salai, chennai – 600 002.
Tamil Nadu.
2. The Inspector of Police
Arakkonam Taluk Police
Ranipet District.

W.P.No. 33161 of 2022