



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.70 of 2022

Balakrishnan

... Petitioner

vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to re-issue a passport to the petitioner based on his application in File No.MD2073401797521 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : M/s.L.Victoria Gowri

Assistant Solicitor General of India (for R1)

Mr.S.Shanmugavel

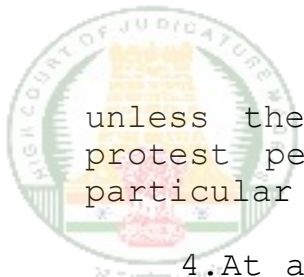
Additional Government Pleader (for R2)

O R D E R

The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction to the first respondent to re-issue a passport to the petitioner based on his application in File No.MD2073401797521.

2.The petitioner, in his affidavit, had stated that he had the benefit of being issued with the passport bearing No.P1310779, which was damaged, since it fell into the water. The passport was cancelled. Thereafter, the petitioner sought re-issue of the passport. The application in file number was assigned as MD2073401797521.

3.However, the first respondent had issued a communication drawing attention to the First Information Report in Crime No.284 of 2018 registered by the second respondent and also stating that the case has been closed as "Mistake of Fact", pursuant to investigation by the second respondent. Once the investigating authority has closed or dropped further investigation as a "Mistake of Fact", nothing further survives in the said First Information Report,



unless the de-facto complainant has some grievances and files a protest petition. But that is not hopefully the case in this particular case.

4.At any rate, let the petitioner be heard and personal hearing may be given to him to explain about the status of the First Information Report and the fact that it had been closed as "Mistake of Fact" and on consideration of the same, the first respondent may proceed to issue passport to the petitioner if the application is otherwise in order. The petitioner may also be called upon to give an undertaking that he would abide with any terms as imposed by the first respondent while granting re-issue of the passport. The entire exercise is to be completed within a period of three weeks from the date of receipt of a copy of this order.

5.With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai-625 002.

2.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-635[F] dated 06/01/2022)
+1 CC to M/s.SPL.GP (SR-561[F] dated 06/01/2022)

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05.01.2022

SR(CO)

<https://hccs2.courts.gov.in/cases/SP-5C>