



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.627 of 2022

S.Rajendran

... Petitioner

Vs.

The Regional Passport Officer,
Passport Seva Kendra,
No.201/7D, Old No.201/7,
Medical College Road,
Sundaram Nagar,
Tanjore - 7.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to re-issue new passport to the petitioner on the basis of his online application reference No.21-1009238213 notwithstanding the pendency of First Information Report in Cr.No.390/2016 on the file of the Vedaranyam Police Station, Nagapattinam District.

For Petitioner : Mr.G.Mahesh Kumar

For Respondent : Mr.P.Paul Pandi

Central Government Standing Counsel

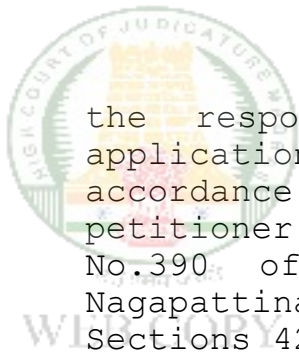
O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to re-issue new passport to the petitioner on the basis of his online application Reference No.21-1009238213 notwithstanding the pendency of First Information Report in Cr.No.390/2016 on the file of the Vedaranyam Police Station, Nagapattinam District, within a time frame to be fixed by this Court.

2.The petitioner has applied for re-issuance of his passport with the respondent on 21.12.2021. The respondent has still now not processed the said application on the ground that FIR is pending against the petitioner. In such circumstances, the petitioner has filed this writ petition.

3.Heard Mr.G.Mahesh Kumar, learned Counsel for the writ petitioner and Mr.P.Paul Pandi, learned Central Government Standing Counsel who accepts notice on behalf of the respondent.

4.It is settled law that pendency of an FIR does not prohibit the respondent from issuing passport or re-issue the same. It is for



the respondent to consider the passport application or the application seeking for re-issuance of passport on merits and in accordance with law after affording a fair hearing to the petitioner. FIR has been registered against the petitioner in Crime No.390 of 2016 on the file of Vedaranyam Police Station, Nagapattinam District in respect of the alleged offences under Sections 420, 468 & 471 IPC.

5.No prejudice would be caused to the respondents if the petitioner's application seeking for re-issuance of his passport is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permit him to file documents in support of his claim. The petitioner has pleaded innocence in the affidavit filed in support of this writ petition.

6.Accordingly, this Court directs the respondent to consider the petitioner's application dated 21.12.2021 seeking for re-issuance of his passport and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permit him to file documents in support of his case and pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order. If the respondent comes to the conclusion that the petitioner is entitled for re-issuance of his passport, the respondent is directed to re-issue the passport in favour of the petitioner within a period of two [2] weeks from the date of passing the final orders on the petitioner's representation.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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

The Regional Passport Officer,
Passport Seva Kendra,
No.201/7D, Old No.201/7,
Medical College Road,
Sundaram Nagar,
Tanjore - 7.

+1 CC to M/s.P.PAUL PANDI, Advocate (SR-12022[F] dated 15/03/2022)

+1 CC to M/s.G.MAHESH KUMAR, Advocate (SR-12099[F] dated 15/03/2022)

ORDER MADE IN
W.P. [MD] No. 627 of 2022
14.03.2022

SP (CO)
GC (25.03.2022) 3P 4C