



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.1942 of 2022

Ansarkhan

.. Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Tiruchirappalli - 620 008.

2.The Passport Seva Kendra,
New No.201/7D, Old No.201/7,
Medical College Road,
Next to Kumaran Cinema Theatre,
Thanjavur.

3.The Inspector of Police,
Adhiramapattinam Police Station,
Thanjavur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to issue Passport based on the explanation / representation dated 17.01.2022, within a time limit stipulated by this Court.

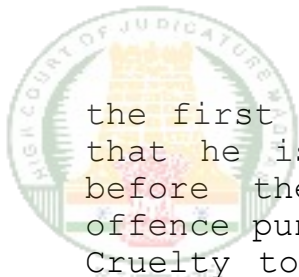
For Petitioner : Mr.B.Anandan

For Respondents : Mrs.L.Victoria Gowri for R1 and R2
Assistant Solicitor General of India
Mr.M.Lingadurai
Special Government Pleader for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to issue Passport to the petitioner based on the petitioner's explanation / representation, dated 17.01.2022, within a time frame to be fixed by this Court.

2.The petitioner has applied for a fresh Passport in lieu of the old Passport issued on 28.08.2019. According to him, he has lost his old Passport, on 15.04.2021 and he has also lodged a complaint before the police authorities, on 05.07.2021. Thereafter, the petitioner has applied for a fresh Passport, on 05.07.2021, through online mode with the first respondent. According to him,



the first respondent has kept his application pending on the ground that he is involved in a criminal case in Crime No.144 of 2021 before the Athirampattinam Police Station registered for the offence punishable under Sections 289 IPC r/w 11(1)(a) Prevention of Cruelty to Animals Act. Since the first respondent did not issue the Passport based on the aforementioned reason, the petitioner has submitted an explanation / representation, dated 17.01.2022. In the said explanation / representation, he has submitted that he is an innocent person and denies the commission of the alleged offence mentioned in the aforesaid crime number. Since the Passport has not been issued, despite the representation, dated 17.01.2022, the petitioner has approached this Court by filing this Writ petition.

3.Heard Mr.B.Anandan, learned counsel for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, appearing for the respondents 1 and 2 and Mr.M.Lingadurai, learned Special Government Pleader, appearing for the third respondent.

4.The learned Assistant Solicitor General of India, appearing for the respondents 1 and 2 would submit that the petitioner's application, seeking for issuance of Passport will be processed and the explanation submitted by him, on 17.01.2022, with regard to his involvement in the crime, which is the subject matter of Crime No.144 of 2021, will be considered on merits and in accordance with law and thereafter, a decision will be taken by the first respondent, whether the Passport can be issued in favour of the petitioner or not. The said statement of the learned Assistant Solicitor General of India is recorded. It is also informed by the learned Special Government Pleader appearing for the third respondent that the Charge sheet is yet to be filed against the petitioner. The said submission is also recorded.

5.It is settled law that pendency of an FIR will not prohibit the first respondent to issue the Passport. However, whether a Passport can be issued to the petitioner or not will have to be decided by the first respondent, after considering the petitioner's representation, dated 17.01.2022 and also after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

6.Accordingly, this Court directs the first respondent to consider the petitioner's explanation / representation, dated 17.01.2022, with regard to the FIR registered against him in Crime No.144 of 2021, under Section 289 IPC r/w 11(1)(a) of Prevention of Cruelty to Animals Act and thereafter, pass final orders on the petitioner's application, seeking for issuance of Passport, after affording a fair hearing to the petitioner, including granting him the right of personal hearing, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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,
Municipal Water Tank Building, W.B.Road,
Tiruchirappalli - 620 008.
2. The Passport Seva Kendra, New No.201/7D, Old No.201/7,
Medical College Road, Next to Kumaran Cinema Theatre, Thanjavur.
3. The Inspector of Police, Adhiramapattinam Police Station,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-9733[F] dated 03/03/2022)

W.P. (MD)No.1942 of 2022

01.03.2022

sb(CO)

TR(16.03.2022) 3P 5C