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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.04.2022
CORAM
THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**
W.P.(MD)No.2023 of 2022

V.Abdul Kathar Ibrahim ... Petitioner

vs.

1.The Regional Passport Officer,
Government of India,
Ministry of External Office Madurai,
Bharathi Ula Veethi, Race Course Road,
Madurai District.

2.The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai, Madurai, Madurai District.

3.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to issue a passport to the petitioner based upon the petitioner's passport application File No.MD1063740207121 within a time stipulated by this Court.

For Petitioner :Mr.M.Shakul Hameed
For R1 and R2 :Mrs.L.Victoria Gowri,
Assistant Solicitor General
For R3 :Mrs.S.Jeyapriya,
Government Advocate
*****

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to issue a passport to the petitioner based upon his application, dated 20.11.2011 within a time frame to be fixed by this Court.

2.The petitioner has applied for passport. According to him, due to the pendency of FIRs against him in Cr.Nos.550 and 551 of 2021 registered for the offences punishable under Sections 147, 294 (b), 269, 323 IPC and Section 3 of ED Act, the second respondent has not processed his passport application. Since his application has not been processed by the second respondent, he has filed this Writ Petition.

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3.Heard Mr.M.Shakul Hameed, learned Counsel for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General appearing for R1 and R2 and Mrs.S.Jeyapriya,learned Government Advocate appearing for the third respondent.

4.The learned Assistant Solicitor General appearing for R1 and R2 would submit that till date, no explanation has been submitted by the petitioner to the show cause notice issued by the second respondent to the petitioner calling upon him to submit his explanation, as regards FIRs pending against him in Cr.Nos.550 and 551 of 2021.

5.The learned Counsel for the petitioner, on instructions, would submit that the petitioner is willing to submit his explanation. He would further state that pendency of an FIR does not prohibit the second respondent to issue passport to any applicant, which depends upon the facts and circumstances of each case. It is for the second respondent to decide whether any applicant is entitled for passport or not, despite the pendency of an FIR.

6.No prejudice will be caused to the respondents, if the petitioner's application seeking for issuance of passport is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

7.For the foregoing reasons, the petitioner is directed to submit his explanation to the second respondent with regard to the FIRs pending against him in Cr.Nos.550 and 551 of 2021 pending on the file of the third respondent police within a period of one week from the date of receipt of a copy of this order. On receipt of the explanation, the second respondent shall pass final orders on the petitioner's passport application on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and after giving due consideration to the explanation submitted by the petitioner, within a period of eight weeks thereafter.

8.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

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To

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2.The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai, Madurai, Madurai District.

3.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.

+2 CC to M/s.M. SHAKUL HAMEED, Advocate (SR-16602[F] dated 05/04/2022)

+1 CC to M/s.SPL.GP (SR-17022 ,17143[F] dated 06/04/2022)

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05.04.2022

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