



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.02.2022
CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**
W.P.(MD)No.3145 of 2022

WEB COPY

Kalaiyarasan

... Petitioner

vs.

1.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai-625 002.

2.The Inspector of Police,
Chatrakudi Police, Ramanathapuram District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to reissue the petitioner's passport and to permit the petitioner to go to abroad by considering the petitioner's representation dated 28.01.2022 within a time limit that may be stipulated by this Court.

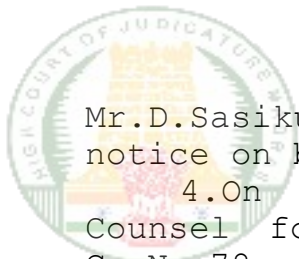
For Petitioner	:Mr.M.S.Jeyakarthik
For R1	:Mr.P.Subbiah Central Government Standing Counsel
For R2	:Mr.D.Sasikumar Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to reissue the petitioner's passport and to permit the petitioner to go abroad by considering the petitioner's representation dated 28.01.2022 within a time frame to be fixed by this Court.

2.The case of the petitioner is that originally he was issued with a passport on 07.04.2014 and its expiry date is 06.04.2024. According to him, due to oil spilling, his passport has been damaged. Therefore, he has sought for re-issuance of passport and he has submitted an application, dated 12.01.2022 with the first respondent. Since the said application has not been considered till date, he has filed this Writ Petition.

3.Heard Mr.M.S.Jeyakarthick, learned Counsel for the petitioner, Mr.P.Subbiah, learned Central Government Standing Counsel, who takes notice on behalf of the first respondent and



Mr.D.Sasikumar, learned Additional Government Pleader, who takes notice on behalf of the second respondent.

4.On instructions, the learned Central Government Standing Counsel for the first respondent would submit that an FIR in Cr.No.78 of 2021 is pending on the file of the respondent police against the petitioner, which has been registered under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, which is also confirmed by the learned Additional Government Pleader for the second respondent. However, the status of the said criminal case is unknown.

5.It is settled law that pendency of an FIR will not prohibit the first respondent from processing passport application. It is for the first respondent to consider the application on merits and in accordance with law after affording a fair hearing to the petitioner.

6.The learned Counsel for the petitioner would submit that the petitioner is willing to provide all the necessary documentations required for re-issuance of the passport in favour of the petitioner and the petitioner is also willing to provide all the details with regard to the present status of the FIR before the first respondent. He would also submit that the petitioner is an innocent person and not involved in the alleged criminal offence as seen from the FIR.

6.This Court is of the considered view that all the aforementioned factors can very well be considered by the first respondent while processing the application, dated 12.01.2021 submitted by the petitioner seeking for re-issuance of passport in his name. No prejudice will be caused to the respondents, if the petitioner's application is decided on merits and in accordance with law.

7.Accordingly, this Court directs the first respondent to consider the petitioner's application, dated 12.01.2021 seeking for re-issuance of passport in his name and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai-625 002.

2.The Inspector of Police,
Chatrakudi Police, Ramanathapuram District.

+1 CC to M/s.P.SUBBIAH, Advocate (SR-6864[F] dated 17/02/2022)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-6967[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7142[F] dated 18/02/2022)

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DP(26.02.2022) 3P 6C