



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3268 of 2022

Powsul Hug

... Petitioner

/Vs./

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to Re-Issue the petitioner's passport bearing No.Z5044599 on the basis of his application File No.MA2073857453522 within the time stipulated by this Court.

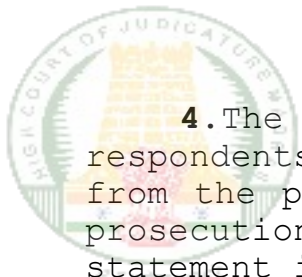
For Petitioner : Ms.A.Banumathy
For Respondents : Ms.L.Victoria Gowri
Assistant Solicitor General

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to re-issue the passport in favour of the petitioner, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he has applied for re-issuance of his passport with the second respondent on 03.01.2022, due to the pages getting exhausted in his earlier passport. Since the said application has not been considered till date, the petitioner has filed this writ petition.

3.Heard Ms.A.Banumathy, learned Counsel for the writ petitioner and Ms.L.Victoria Gowri, learned Assistant Solicitor General, who accepts notice on behalf of the respondents.



4.The learned Assistant Solicitor General appearing for the respondents, on instructions, would submit that gold has been seized from the petitioner for non payment of customs duty and therefore, prosecution has been launched against the petitioner. The said statement is recorded.

5.However, this Court is of the considered view that pendency of the FIR will not prohibit the respondents from issuing the passport. It is for the respondents to take a call, based on the documents produced by the petitioner as to whether the passport can be issued to the petitioner or not.

6.No prejudice would be caused to the respondents, if the representation of the petitioner dated 03.01.2022 for re-issuance of his passport is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and also permitting him to produce all necessary documents required by the respondents.

7.Accordingly, a direction is issued to the first respondent to consider the petitioner's application dated 03.01.2022 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 including granting him the right of personal hearing and also permitting him to produce all documentary evidence as the respondents so require and pass final orders, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar

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,
Government of India Ministry of external affairs,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road, Madurai



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

order made in
W.P. [MD]No.3268 of 2022
Dated:03.03.2022

SM
MS/18.03.2022/3P.3C