



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3338 of 2022

S.Prakash

.. Petitioner

Vs

1.The Regional Passport Officer,
O/o. Regional Passport Officer Madurai,
Bharathi Ulaveethi,
Race Course Road,
Madurai District - 625 002.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent under his proceedings bearing file No.MD1062612329319 Letter Ref No. FCI/310188017/20, dated 18-09-2020, token No.3, Sequence No.15 and quash the same as illegal and direct the 1st respondent to issue passport to the petitioner on petitioner's application bearing Ref.No. 22-1000-411119, dated 12-01-2022, within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mrs.L.Victoria Gowri for R1
Assistant Solicitor General of India

Mr.T.Amjad Khan for R2
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 18.09.2020, passed by the first respondent, calling upon the petitioner to submit an explanation with regard to the FIR pending against him.

2.According to the petitioner, only based on a false complaint an FIR has been registered and he is an innocent. It is settled law that pendency of an FIR will not prohibit the first respondent to issue the passport. However, it is for the first respondent to consider the facts and circumstances of each case and to decide as to whether an applicant can be issued a passport, when an FIR is pending against him/her. As seen from the impugned order, the first respondent has only called upon the petitioner to submit an explanation with regard to the FIR pending against him. Even before



submitting his explanation, the petitioner has approached this Court, prematurely, when no final orders have been passed by the first respondent against the petitioner.

3. Heard Mr.M.Ponniah, learned counsel appearing for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General, who accepts notice on behalf of the first respondent and Mr.T.Amjad Khan, learned Government Advocate, who accept notice on behalf of the second respondent.

4.No prejudice will be caused to the petitioner, if a written explanation is given by him to the first respondent as per the impugned communication sent by the first respondent. The learned counsel for the petitioner is also agreeable for the same and his statement is also recorded. However, once an explanation is given by the petitioner and a personal hearing is afforded to the petitioner by the first respondent, the first respondent will have to pass orders on merits and in accordance with law and decide as to whether the petitioner is entitled for passport or not.

5.For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit his written explanation to the impugned communication, dated 18.09.2020, sent by the first respondent, within a period of one week from the date of receipt of a copy of this order. On receipt of the said written explanation and after affording a personal hearing to the petitioner, the first respondent shall pass final orders on the petitioner's application seeking for issuance of passport within a period of eight weeks, thereafter.

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

Sd/-

Assistant Registrar (AE)

// 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,
O/o. Regional Passport Officer Madurai,
Bharathi Ulaveethi,
Race Course Road,
Madurai District - 625 002.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

+1 CC to M/s.M.PONNIAH, Advocate (SR-11586[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11804[F] dated 14/03/2022)

W.P. (MD)No.3338 of 2022

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MGJ(23.03.2022) 3P 5C