



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3434 of 2022

Subburam

... 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.

3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Cr. No.1588 of 2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to issue a Passport to the petitioner based on his passport application File No.MD1063314902121 within the time stipulated by this Court.

For Petitioner : Ms.A.Banumathy
For Respondents 1&2 : Mr.S.Sivakumar
Central Government Standing Counsel
For Respondent No.3 : Mr.M.Lingadurai
Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to issue Passport to the petitioner based on his passport application in File No.MD1063314902121 within a time frame to be fixed by this Court.

2.According to the petitioner, he has applied for passport on 10.03.2021 with the first respondent. It is the case of the petitioner that due to the pendency of FIR against the petitioner in Crime No.1588 of 2020 for the offences under Sections 143, 188, 269



and 270 of IPC dated 03.09.2020, the first respondent has not processed the petitioner's application. The petitioner seeks for a direction from this Court for early consideration of the petitioner's passport application.

3. Heard Ms.A.Banumathy, learned Counsel appearing for the writ petitioner, Mr.S.Sivakumar, learned Central Government Standing Counsel who accepts notice on behalf of respondents 1 & 2 and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the third respondent.

4. It is settled law that pendency of an FIR is not a bar for the passport authority to issue passport. However, the passport application submitted by any applicant will have to be considered on merits and in accordance with law and it is for the passport authority to decide the same based on the documentary evidence whether passport can be issued or not. It depends on facts and circumstances of each case.

5. No prejudice would be caused to the respondents if the petitioner's passport application is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner. As seen from the FIR, the offences registered against the petitioner in Crime No.1588 of 2020 are only minor offences and relates to Covid protocol violations. This being the case as observed earlier, no prejudice would be caused to the respondents if the petitioner's application is considered on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application dated 10.03.2021 in File No.MD1063314902121 and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner including granting him the right of personal hearing within a period of six [6] weeks from the date of receipt of a copy of this order.

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

Sd/-

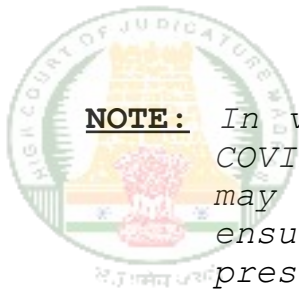
Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



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.
- 3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

+1 CC to M/s.S.SIVA KUMAR, Advocate (SR-8205[F] dated 23/02/2022)

+1 CC to M/s.SPL GP (SR-8741[F] dated 25/02/2022)

ORDER MADE IN
W.P. [MD]No.3434 of 2022
23.02.2022

SVS (CO)
GC(08.03.2022) 3P 6C