



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4320 of 2022

and W.M.P. (MD) .No.3659 of 2022

WEB COPY

Prasanth

.. Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Building,
W.B.Road,
Trichy - 620 008.

2.The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Respondent No.1 to issue Police Clearance Certificate (PCC) to the petitioner on the basis of the application submitted by the petitioner, dated 22.12.2021, by considering the representation of the petitioner, dated 15.02.2022, in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

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

Mr.M.Lingadurai for R2
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent No.1 to issue Police Clearance Certificate (PCC) to the petitioner, on the basis of the application submitted by the petitioner, dated 22.12.2021, by considering the representation of the petitioner, dated 15.02.2022, in accordance with law, within the time stipulated by this Court.

2.Heard Mr.R.Alagumani, 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.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the second respondent.



3.The petitioner has applied for a passport. The second respondent has issued adverse report against the petitioner. According to the second respondent, an FIR has been registered against the petitioner in Cr.No.703 of 2020, under Sections 294 (b), 323, 324 and 506(ii) IPC. In the passport application, submitted by the petitioner to the first respondent, the same has not been disclosed. The first respondent has therefore, called upon the petitioner by its communication, dated 22.12.2021, to submit a fresh passport application, disclosing the pending criminal cases against the petitioner. However, instead of submitting a fresh passport application, the petitioner has filed this writ petition seeking for police clearance certificate from the first respondent. Police clearance certificate can be issued only by the second respondent and not by the first respondent. Having received the communication from the first respondent, on 22.12.2021, requesting the petitioner to submit a fresh passport application, disclosing all the details pertaining to the criminal case pending against him, which was earlier not disclosed in the earlier passport application, the petitioner ought to have submitted a fresh passport application in accordance with the communication received from the first respondent, dated 22.12.2021.

4.The learned counsel for the petitioner, on instructions, would submit that the petitioner is prepared to submit a fresh passport application, disclosing full particulars of the criminal cases pending against him. The said statement is recorded. On receipt of the fresh passport application, from the petitioner, the first respondent shall consider the same on merits and in accordance with law and decide as to whether the passport can be issued to the petitioner or not.

5.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)

// 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,
Regional Passport Office,
Municipal Water Building,
W.B.Road,
Trichy - 620 008.

2.The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

+1 CC to M/s.SPL GP (SR-12214[F] dated 15/03/2022)

W.P. (MD)No.4320 of 2022
11.03.2022

SA/22.03.2022 : 3P/4C