



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4473 of 2022

WEB COPY

Abdul Basith

.. Petitioner

Vs

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

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

3.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to issue Passport to the petitioner and thereby considering the petitioner's representation, dated 08.03.2022, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.P.Sureshkumar

For Respondents : Mr.G.Moovendiran for R1 and R2
Central Government Standing Counsel

Mr.D.Sasikumar,
Additional Government Pleader
for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to issue passport to the petitioner based on the petitioner's representation, dated 08.03.2022, within a time frame to be fixed by this Court.

2.The petitioner has applied for passport on 03.02.2022. However, the same has not been processed till date by the first respondent, on the ground that an FIR in Crime No.35 of 2021, is pending against the petitioner for the alleged offence punishable



under Sections 143 and 270 of IPC. The Petitioner has also given a representation thereafter, requesting them to issue the passport. Since the same has not been considered till date, he has filed this writ petition.

3. Heard Mr.P.Sureshkumar, learned counsel for the petitioner, Mr.G.Moovendran, learned Central Government Standing Counsel, who accepts notice on behalf of the respondents 1 and 2 and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the third respondent.

4. It is settled law that pendency of an FIR will not prohibit the first respondent from issuing passport. It is for the first respondent to consider all the documents produced by the petitioner and thereafter, decide as to whether the passport can be issued to the petitioner or not. The issuance of passport depends on facts and circumstances of each case.

5. No prejudice will be caused to the respondents, if the petitioner's application seeking for issuance of passport is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the first respondent deems fit to enquire.

6. Accordingly, this Court directs the first respondent to consider the petitioner's passport application, seeking for issuance of passport in his favour on merits and in accordance with law and pass final orders, after affording a fair hearing to the petitioner as well as any other necessary party, whom the first respondent deems fit to enquire within a period of twelve weeks from the date of receipt of a copy of this order.

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

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 Government of India,
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3.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

+1 CC to M/s.P.SURESH KUMAR, Advocate (SR-11896[F] dated 14/03/2022)

+1 CC to M/s.SPL GP (SR-12193[F] dated 15/03/2022)

W.P. (MD)No.4473 of 2022

14.03.2022

RD(25.03.2022) 3P 6C