



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4633 of 2022

WEB COPY

Sithivinayagam

... Petitioner

Vs.

1.The Regional Passport Officer,
O/o. The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to renew the passport by processing the petitioner application No.1073939011722 within a stipulated time period in accordance with law on the basis of the representation of the petitioner dated 10.03.2022.

For Petitioner : Mr.K.Raghu
for Mr.C.Senthil Murugan
For Respondent No.1 : Mrs.L.Victoria Gowri
Assistant Solicitor General of India
For Respondent No.2 : Mr.B.Saravanan
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to renew the passport by processing the petitioner's application No.1073939011722, within a time frame to be fixed by this Court based on the petitioner's representation dated 10.03.2022.

2.Heard Mr.K.Raghu for Mr.C.Senthil Murugan, learned Counsel appearing for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India who accepts notice on behalf of the first respondent and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the second respondent.



3. On instructions, learned Additional Government Pleader appearing for the second respondent would submit that charge sheet has already been filed against the petitioner before the Chief Judicial Magistrate, Ramanathapuram in respect of the alleged offences. The passport has not been issued to the petitioner only on the ground that FIR is pending against the petitioner in Crime No.298 of 2018 for the offences under Sections 279, 337 and 304(A) IPC.

4. Since charge sheet has already been filed before the concerned Magistrate Court, the only remedy now available to the petitioner is to approach the concerned Magistrate Court, seeking for permission to get a passport.

5. After recording the statement made by the learned Additional Government Pleader appearing for the second respondent, this Writ Petition is disposed of by granting liberty to the petitioner to approach the Chief Judicial Magistrate Court, Ramanathapuram, where the charge sheet has been filed against the petitioner seeking permission of the said Court for renewal of the passport in his favour. The petitioner is directed to approach the concerned Court, within a period of one [1] week from the date of receipt of a copy of this order. Till the application seeking permission of the Chief Judicial Magistrate Court, Ramanathapuram seeking for renewal of the passport is considered on merits and in accordance with law and final orders are passed, the first respondent is directed to keep the passport renewal application submission by the petitioner pending.

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

Sd/-

Assistant Registrar (A.D.I)

// 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 Chief Judicial Magistrate,
Ramanathapuram.
- 2.The Regional Passport Officer,
O/o. The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
- 3.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-12731[F] dated 17/03/2022)

W.P. [MD]No.4633 of 2022

16.03.2022

_RD(30.03.2022) 3P 5C