



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4933 of 2022

Abdul Hakkim

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road,
Tiruchirapalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent to renew the petitioner's passport by considering the petitioner's application taken on file as File No. TR2073152721320 in the light of judgment made by this court in W.Jaihar William - Vs- State of Tamil Nadu, 2014 2 CWC 684 within the time that may be stipulated by this Hon'ble Court.

For Petitioner	: Mr.D.S.Haroon Rasheed
For Respondent	: Mr.V.B.Sundareshwar
	Central Government Counsel

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to renew the petitioner's passport by considering the petitioner's application within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he submitted his passport for renewal but the same has not been considered on the ground that an FIR is pending against the petitioner in Crime No.1103 of 2020 on the file of Ganthi Market Police Station, Trichy City for the offences under Sections 143, 153, 269, 270 and 447 of IPC.

3.Heard Mr.D.S.Haroon Rasheed, learned Counsel appearing for the writ petitioner and Mr.V.B.Sundareshwar, learned Central Government Counsel appearing for the respondent.

4.It is settled law that pendency of an FIR will not prohibit the respondent from issuing passport to any applicant. It depends on facts and circumstances of each case. It is for the respondent to consider each and every case on merits and in accordance with law though an FIR may be pending against the applicant.



5.It is now submitted by the learned Central Government Counsel appearing for the respondent that the earlier application submitted by the petitioner seeking for renewal of his passport has now been closed since the required particulars were not furnished by the petitioner within the stipulated period.

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6.Learned Counsel for the petitioner would now submit on instructions that the petitioner is now willing to submit a fresh application seeking for renewal of his passport and he requests this Court for a direction to the respondent to consider the fresh application to be submitted by the petitioner for renewal on merits and in accordance with law within a time frame to be fixed by this Court. The same is recorded.

7.Learned Central Government Counsel for respondent has also not raised any serious objection for the said statement made by the learned Counsel for the petitioner.

8.For the foregoing reasons, this Court directs the petitioner to submit a fresh application seeking for renewal of his passport with the respondent within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the said application, the respondent shall process the said application on merits and in accordance with law after affording a fair hearing to the petitioner. It is made clear that the pendency of FIR against the petitioner will not prohibit the respondent to process the petitioner's application seeking for renewal of passport. It is for the respondent to consider the petitioner's case on merits and in accordance with law and decide as to whether passport can be renewed in favour of the petitioner or not within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To
The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W. B. Road, Tiruchirapalli.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-13281[F] dated 21/03/2022)

+1 CC to M/s.V.B.SUNDHARESHWAR, Advocate (SR-13830[F] dated 23/03/2022)

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