



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4971 of 2022

Sheik Dawood

.. 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.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to re-issue for exhaustion of pages of the petitioner's passport bearing No.Z4627804 on the basis of the application File No.MD1073979897722, within the time stipulated by this Court.

For Petitioner : Mrs.A.Banumathy

For Respondents : Mr.P.Paul Pandi

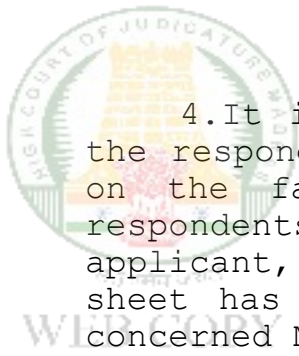
Senior Panel Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to re-issue passport in favour of the petitioner based on his application, dated 23.02.2022, within a time frame to be fixed by this Court.

2.According to the petitioner, he was earlier issued a passport and the pages in the said passport has got exhausted and in those circumstances, he has applied for re-issuance of passport in his name on 23.02.2022 with the first respondent. According to him, due to the pendency of a criminal case arising out of the Customs Act, registered in O-I-O No.CC(P) / BBSR / CUS / No.-24 / Joint Commissioner / 2019 is pending against him, the first respondent has not processed his application seeking for re-issuance of passport. In such circumstances, he has filed this writ petition.

3.Heard Mrs.A.Banumathy, learned counsel appearing for the petitioner and Mr.P.Paul Pandi, learned Senior Panel Counsel, appearing for the respondents.



4.It is settled law that pendency of an FIR will not prohibit the respondents from issuing passport to any applicant. It depends on the facts and circumstances of each case. It is for the respondents to decide as to whether a passport can be issued to any applicant, despite the pendency of an FIR. Admittedly, no charge sheet has been filed till date against the petitioner before the concerned Magistrate Court.

5.No prejudice will be caused to the respondents, if the petitioner's application, dated 23.02.2022, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a time frame to be fixed by this Court. The petitioner claims that he is a frequent traveller and the pages of passport has got exhausted and only under those circumstances, he has submitted an application seeking for re-issuance of passport in his name.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application, dated 23.02.2022, seeking for re-issuance of passport in his name and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of eight 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 (Crl Side)

// 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,
Government of India Ministry of External Affairs,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road, Madurai.

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



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

+1 CC to M/s.P. PAULPANDI, Advocate (SR-18735[F] dated 13/04/2022)
W.P. (MD)No.4971 of 2022
12.04.2022

MGJ(27.04.2022) 3P 4C