



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.5069 of 2022

Malaimurugan

... Petitioner

vs.

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

2.The Inspector of Police,  
Ilayankudi Police Station,  
Sivagangai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue passport to the petitioner and to permit the petitioner to go to abroad by considering the petitioner's representation dated 02.02.2022 within a time limit that may be stipulated by this Court.

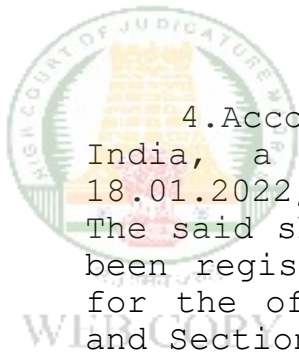
|                |                                                               |
|----------------|---------------------------------------------------------------|
| For Petitioner | :Mr.M.S.Jeyakarthick                                          |
| For R1         | :Mrs.L.Victoria Gowri<br>Assistant Solicitor General of India |
| For R2         | :Mr.B.Saravanan<br>Additional Government Pleader              |

### **O R D E R**

This Writ Petition has been filed for a Mandamus seeking for a direction to the sixth respondent to issue passport to the petitioner and to permit the petitioner to go abroad by considering the petitioner's representation, dated 02.02.2022 within a time frame to be fixed by this Court.

2.The petitioner has applied for passport on 07.01.2022 before the first respondent. However, due to the pendency of an FIR, the said application has not been processed. In such circumstances, he has filed this Writ Petition.

3.Heard Mr.M.S.Jeyakarthick, learned Counsel for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, who takes notice for the first respondent and Mr.B.Saravanan, learned Additional Government Pleader, who takes notice for the second respondent.



4. According to the learned Assistant Solicitor General of India, a show cause notice was issued to the petitioner on 18.01.2022, for which the petitioner has also replied on 02.02.2022. The said show cause notice was issued on the ground that an FIR has been registered in Cr.No.156 of 2018 by Ilayankudi Police Station, for the offence punishable under Sections 147, 294(b) and 353 IPC and Section 3 of TNPPDL Act, 1992. The said statement is recorded.

5. Since an explanation has already been given by the petitioner, it is for the first respondent to consider the same on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing. It is settled law that pendency of an FIR will not prohibit the first respondent to issue passport. Further, issuance of passport to any applicant depends upon the facts and circumstances of each case.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application, dated 07.01.2022 seeking for issuance of passport 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 four 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 (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To  
The Inspector of Police,  
Ilayankudi Police Station,  
Sivagangai District.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate ( SR-13653[F] dated 23/03/2022 )

+1 CC to M/s.SPL GP ( SR-13925[F] dated 23/03/2022 )

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