



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5177 of 2022

S.Murugan

.. Petitioner

Vs

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

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to issue a renewal of the passport to the petitioner by considering his explanation dated on 10.01.2022 and his Passport Application No.MD1073794554721, DATED 13.12.2021.

For Petitioner : Mr.Senthilkumar

For Respondents : Mr.P.Paulpandi
Central Government Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to renew the passport of the petitioner after giving due consideration to the explanation submitted by the petitioner on 10.01.2022 and pass final orders, within a time frame to be fixed by this Court.

2.The petitioner has submitted an application seeking for renewal of his passport with the respondent. It is the case of the petitioner that due to the pendency of an FIR in Crime No.722/2016, against the petitioner, registered under Sections 406 and 420 of IPC, dated 23.07.2016, the respondent has called for an explanation from the petitioner by its communication, dated 29.12.2021. It is the case of the petitioner that the explanation sought for by the respondent was also submitted by him on 10.01.2022. However, till date, the passport has not been renewed. In such circumstances, he has filed this writ petition.

3.Heard Mr.Senthilkumar, learned counsel appearing for the petitioner and Mr.P.Paul Pandi, learned Central Government Standing Counsel, who accepts notice on behalf of the respondent.



4.No prejudice will be caused to the respondent, if the petitioner's application seeking for renewal of passport 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. The petitioner has already submitted his explanation with regard to the pendency of the FIR in Crime No.722/2016, registered under Sections 406 and 420 IPC, dated 23.07.2016, by his reply, dated 10.01.2022. It is for the respondent to consider the same on merits and in accordance with law.

5.It is settled law that pendency of an FIR will not prohibit the respondent to consider the petitioner's application seeking for renewal of his passport. It is for the respondent to take call as to whether the petitioner is entitled for renewal of his passport or not. Merely because of an FIR is pending, any applicant cannot be deprived of his passport or cannot be deprived of renewal of his passport. It depends on the facts and circumstances of each case. The petitioner denies the allegations contained in the FIR in Crime No.722/2016, registered against him. The respondent will have to enquire the petitioner and also consider the petitioner's explanation and thereafter, decide as to whether the petitioner is entitled for renewal of the passport or not.

6.For the foregoing reasons, this Court directs the respondent to pass final orders on the petitioner's application, dated 13.12.2021, seeking for renewal of his passport on merits and in accordance with law, after giving due consideration to the explanation submitted by the petitioner on 10.01.2022 and also after affording a personal hearing to the petitioner, 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)

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.

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



To

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

+1 CC to M/s.P.PAUL PANDI, Advocate (SR-14104[F] dated 24/03/2022)

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