



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.5338 of 2022

Raviekkumar Nallasamy Kulandaisamy Kandasamy ... Petitioner

Vs.

The Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road,
Tiruchirappalli - 620 008.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to re-issue passport to the petitioner based on petitioner's application having File No.TR01C5052057121 dated 02.12.2021 within stipulated time that may be fixed by this Court by considering petitioner's representation dated 23.02.2022.

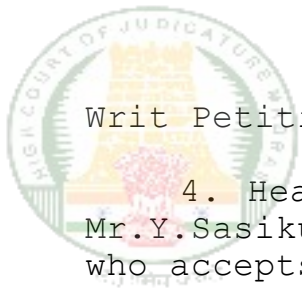
For Petitioner : Mr.V.Sukumar
For Respondent : Mr.Y.Sasikumar
Senior Central Government Standing
Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to re-issue the passport in favour of the petitioner based on his application dated 02.12.2021 within a time frame to be fixed by this court.

2. According to the petitioner, he was issued with a passport by the respondent on 27.12.2017 at Tiruchirappalli and the said passport is valid upto 26.12.2027. According to the petitioner, since he frequently travels abroad, his passport leaflets gets over fast. In such circumstances, he has applied for re-issuance of his passport on 02.12.2021. Thereafter, he has also given a representation on 23.02.2022 to the respondent for the said purpose.

3. It is the case of the petitioner that due to the pendency of an F.I.R registered against him in Crime No.64 of 2021 by the Chinnadharapuram Police Station under Section 341, 324 and 506(1) of IPC, the respondent has not processed his passport application. Since the same has not been processed till date, he has filed this



Writ Petition.

4. Heard Mr.V.Sukumar, learned counsel for the petitioner and Mr.Y.Sasikumar, learned Senior Central Government Standing Counsel, who accepts notice on behalf of the respondent.

WEB COPY

5. It is settled law that pendency of an F.I.R is not a bar for the respondent to issue passport or re-issue the same. It is for the respondent to decide as to whether an applicant is entitled for a passport or for re-issuance of passport or not, depending upon the facts and circumstances of each case.

6. In the case on hand, an F.I.R is pending against the petitioner in Crime No.64 of 2021 on the file of the Chinnadharapuram Police Station registered under Section 341, 324 and 506(1) of IPC. The petitioner pleads innocence in his affidavit filed in support of the Writ Petition. Even in his reply to the show cause notice sent by the respondent, he has stated the same. It is for the respondent to consider whether the petitioner can be granted passport or not, after holding a proper enquiry.

7. No prejudice would be caused to the respondent, if the petitioner's application seeking for re-issuance of passport in his name 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.

8. For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 02.12.2021 followed by his representation 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 six (6) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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

The Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road,
Tiruchirappalli - 620 008.

+1 CC to M/s.V.SUKUMAR, Advocate (SR-16193[F] dated 01/04/2022)

+1 CC to M/s.Y.SASIKUMAR, Advocate (SR-16277[F] dated 04/04/2022)

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31.03.2022

NSN (CO)
PA(07.04.2022) 3P 4C