



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5391 of 2022

Mahenthiran

... Petitioner

/Vs./

1.The Passport Issuing Authority,
Race Course Road, Madurai.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to renew the Passport of the Petitioner in File No.MD01C5009414322 without influencing the pending FIR in Crime No.262/2015 on the file of the 2nd respondent within time stipulated by this Court.

For Petitioner	:	Mr.RM.Arun Swaminathan
For R1	:	Mr.Ashok Kumar Senior Central Government Standing Counsel
For R2	:	Mr.B.Saravanan Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the first respondent to re-issue the Passport in favour of the petitioner, based on the petitioner's representation application, within a time frame to be fixed by this Court.

2.According to the petitioner, his application seeking for re-issuance of passport has not been considered by the first respondent on the ground that FIR is pending against him under Section 25(1A) of the Arms Act, 1959. A show cause notice was issued to the petitioner by the first respondent, which has been received by him on 30.03.2022, subsequent to the filing of this writ petition.

3.Heard Mr.RM.Arun Swaminathan, learned Counsel for the writ petitioner and Mr.Ashok Kumar, learned Senior Central Government Standing Counsel, appearing on behalf of the respondent.

4.The learned counsel appearing for the petitioner submits that the petitioner is willing to send a reply to the show cause notice. The said statement is recorded.



5.The learned Senior Central Government Standing Counsel appearing on behalf of the first respondent, would submit that the first respondent will consider the reply, once received from the petitioner, on merits and in accordance with law, and thereafter, process the petitioner's application on merits and in accordance with law, after affording a fair hearing to the petitioner.

6.It is the settled law that pendency of FIR will not prohibit the first respondent from issuing passport to any applicant. It depends on the facts and circumstances of each case. It is for the first respondent to decide on merits and in accordance with law, as to whether the applicant is entitled for passport or not.

7.No prejudice would be caused to the first respondent, if the petitioner's application seeking for re-issuance of passport is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

8.For the foregoing reasons, this Court directs the petitioner to submit a reply to the show cause notice dated 30.03.2022, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall process the petitioner's application seeking for re-issuance of his 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 and after giving due consideration to the reply sent by the petitioner, within a period of six (6) weeks thereafter.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Passport Issuing Authority,
Race Course Road, Madurai.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

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



+1 CC to M/s.M. ASHOKKUMAR, Advocate (SR-16935[F] dated 06/04/2022)

+1 CC to M/s.SPL.GP (SR-17021[F] dated 06/04/2022)

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W.P.[MD]No.5391 of 2022

Dated:
05.04.2022

SB(CO)
KB(25.04.2022) 3P 5C