



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.5662 of 2022

M.Kalairajan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 02.

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

... Respondents

(R-2 impleaded vide Court order dated 18.04.2022 passed in W.M.P. (MD).No.4943 of 2022 in W.P. (MD).No.5662 of 2022)

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 consider the petitioner's application dated 19.01.2022 herein to reissue the petitioner's passport bearing No.F0188904 after duly renewing the same by acting his application in File No.MD1073899781122 and thereby issue petitioner the passport within the time limit that may be stipulated by this Court.

For Petitioner	:	Mr.S.P.Veerapandi
For R-1	:	Mr.V.Malaiyendran, Central Government Standing Counsel.
For R-2	:	Mr.M.Lingadurai, Special Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's application dated 19.01.2022 submitted by the petitioner seeking for re-issuance of his passport within a time frame to be fixed by this court.

2. The petitioner's application dated 19.01.2022 seeking for re-issuance of his passport has not been considered by the first respondent only on the ground that two F.I.Rs are pending against him, one being Crime No.105 of 2021 registered under Section 147, 294(b), 323 and 506(i) of IPC and the other being Crime No.110 of 2021 registered under Section 147, 148, 294(b), 324 and 506(ii) of IPC.



3. It is settled law that pendency of an F.I.R does not prohibit the first respondent from issuing passport to any applicant. It depends on facts and circumstances of each and every case. It is for the first respondent to decide as to whether any applicant is entitled for passport or not, despite the pendency of an F.I.R.

4. Mr.V.Malaiyendran, learned Central Government Standing Counsel appearing for the first respondent, on instructions, would submit that the petitioner has not submitted any explanation with regard to the F.I.Rs pending against him as referred to supra. He would submit that once an explanation is submitted by the petitioner, the first respondent will consider the same on merits and in accordance with law and pass final orders on the petitioner's application dated 19.01.2022 seeking for re-issuance of his passport. The said statement is recorded.

5. Learned counsel for the petitioner, on instructions, would also submit that the petitioner is willing to submit an explanation as sought for by the first respondent with regard to the pendency of the F.I.Rs against the petitioner.

6. No prejudice would be caused to the respondents, if the petitioner's application dated 19.01.2022 seeking for re-issuance of passport in his name is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the petitioner to submit an explanation to the first respondent with regard to the pendency of the F.I.Rs in Crime No.105 of 2021 registered under Section 147, 294(b), 323 and 506(i) of IPC and Crime No.110 of 2021 registered under Section 147, 148, 294(b), 324 and 506(ii) of IPC within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said explanation, the first respondent shall pass final orders on the petitioner's application dated 19.01.2022 seeking for re-issuance of his passport, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of four (4) weeks thereafter.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm



To

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 02.

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

+1 CC to M/s.P. VEERA PANDI, Advocate(SR-19608[F] dated
20/04/2022)

+1 CC to M/s.SPL.GP (SR-19377[F] dated 19/04/2022)

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MGJ(10.05.2022) 3P 5C