



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5897 of 2022

Arun Kumar

... Petitioner

/Vs./

1. The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Tiruchirappalli Municipal Water Tank Building,
W.B Road,
Trichirappalli-620 008.

2. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent in his proceedings No.OBJ/312141575/22 dated 08.02.2022 and quash the same as illegal, arbitrary, violation of law and further direct the 1st Respondent herein to issue a Passport within the stipulated period by this Court.

For Petitioner : Mr.M.Jothi Basu
For Respondents : Mr.P.Subbiah, for R1
Central Government Standing Counsel
Mr.M.Lingadurai, for R2
Special Government Pleader.

ORDER

This writ petition has been filed challenging the impugned communication received from the first respondent dated 08.02.2022 calling upon the petitioner to submit an explanation with regard to the FIRs pending against him in Crime Nos.1026 of 2020 and 991 of 2021 on the file of the Pudukkottai Town Police Station.

2.The petitioner has been charged for the offences punishable under Sections 143, 283, 269, 270 IPC read with 51(b) of the Disaster Management Act, 2005. Even before sending a reply to the impugned communication, the petitioner has approached this Court by filing this writ petition.



3.Heard Mr.M.Jothi Basu, learned Counsel for the writ petitioner, Mr.P.Subbiah, learned Central Government Standing Counsel, who accepts notice on behalf of the first respondent and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the second respondent.

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4.The learned Special Government Pleader appearing for the second respondent, on instructions, would submit that though the charge sheet has been filed, the concerned Magistrate Court has not taken cognizance of the same. The said statement is recorded.

5.Admittedly, no reply has been sent by the petitioner to the first respondent for the impugned communication. Even before sending a reply to the impugned communication, the petitioner has approached this Court prematurely. Therefore, this Court is of the considered view that the petitioner shall submit a reply to the impugned communication to the first respondent and on receipt of the said reply, the first respondent shall consider the said reply and pass final orders, after affording a fair hearing to the petitioner including granting him the right of personal hearing.

6.By the aforesaid exercise, no prejudice would be caused to the respondents. It is a settled law that pendency of an FIR does not prohibit the first respondent to issue passport to any applicant. It is for the first respondent to consider each and every case on merits and decide as to whether the passport can be issued to the applicant or not.

7.For the foregoing reasons, this Court directs the petitioner to submit a reply to the impugned communication to the first respondent, within a period of one [1] week from the date of receipt of a copy of this order and on receipt of the said reply, the first respondent is directed to consider the said reply 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 eight [8] weeks thereafter.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1. The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Tiruchirappalli Municipal Water Tank Building,
W.B Road,
Trichirappalli-620 008.

2. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.

3. The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-15965[F] dated 01/04/2022)

+1 CC to M/s.SPL GP (SR-16087[F] dated 01/04/2022)

+1 CC to M/s.P.SUBBIAH, Advocate (SR-16160[F] dated 01/04/2022)

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RD(07.04.2022) 3P 7C