



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 07.04.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P. (MD)No.6496 of 2022**

WEB COPY

Pratheep

... Petitioner

vs.

1.The Regional Passport Officer,  
Madurai Region, Madurai.

2.The Inspector of Police,  
Koodankulam Police Station,  
Tirunelveli District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue the passport to the petitioner based on the petitioner's Application No.MD207/406/4034922, dated 24.03.2022 on the basis of the petitioner's representation, dated 05.04.2022.

|                |                                                      |
|----------------|------------------------------------------------------|
| For Petitioner | :Mr.S.Vinayak                                        |
| For R1         | :Mr.A.P.Rajasimman<br>Central Govt. Standing Counsel |
| For R2         | :Mr.M.Lingadurai<br>Special Government Pleader       |

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**O R D E R**

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to issue passport to the petitioner based on his application, dated 24.03.2022 and the consequential representation, dated 05.04.2022 within a time frame to be fixed by this Court.

2.The petitioner has applied for passport on 24.03.2022 with the first respondent. Thereafter, he has submitted another representation on 05.04.2022 for the said purpose. According to the petitioner, only due to the pendency of an FIR pending against the petitioner in Cr.No.158 of 2018 for the alleged offences punishable under Sections 147, 148, 341, 342, 294(b), 353 and 506(ii) IPC r/w Section 3 of TNPPDL Act, his passport application has not been considered till date. In such circumstances, he has filed this Writ Petition.

3.Heard Mr.S.Vinayak, learned Counsel for the petitioner, Mr.A.P.Rajasimman, 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.



4.It is settled law that pendency of an FIR does not prohibit the first respondent from issuing passport to any applicant. Issuance of passport depends upon the facts and circumstances of each case. It is for the first respondent to consider each and every case on merits and decide as to whether the applicant is entitled for passport or not.

5.The petitioner has already submitted his explanation on 05.04.2022 to the show cause notice received from the first respondent calling for an explanation from the petitioner with regard to the FIR pending against him in Cr.No.158 of 2018 for the alleged offences punishable under Sections 147, 148, 341, 342, 294 (b), 353 and 506(ii) IPC r/w Section 3 of TNPPDL Act. It is for the first respondent to consider the same on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and thereafter, decide as to whether the petitioner is entitled for passport or not. No prejudice will be caused to the respondents, if the petitioner's application seeking for issuance of passport is considered on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application, dated 24.03.2022 seeking for 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 and also after giving due consideration to the explanation submitted by the petitioner with regard to the pendency of the FIR against him in Cr.No.158 of 2018 for the alleged offences punishable under Sections 147, 148, 341, 342, 294(b), 353 and 506 (ii) IPC r/w Section 3 of TNPPDL Act, within a period of six 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 (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr



1.The Regional Passport Officer,  
Madurai Region, Madurai.

2.The Inspector of Police,  
Koodankulam Police Station,  
Tirunelveli District.

+1 CC to M/s.A.P. RAJASIMMAN, Advocate ( SR-17705[F]  
dated 11/04/2022 )

+1 CC to M/s.SPL.GP ( SR-17482[F] dated 08/04/2022 )

Order made in  
W.P.(MD)No.6496 of 2022  
07.04.2022

CK(CO)  
GC(22.04.2022) 3P 5C