



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7068 of 2022

V.Venkadesan

... Petitioner

Vs.

1.The Secretary,
The Government of India,
Ministry of External Affairs,
New Delhi.

2.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

3.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai - 625 102.

... Respondents

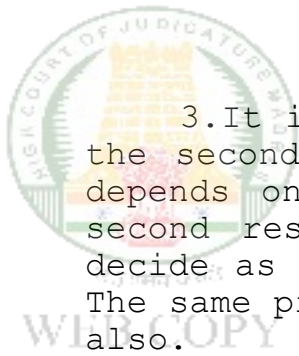
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to issue passport to the petitioner, by considering his application No.22-1000878043 dated 27.01.2022 and for other reliefs within a period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali
For R-1 and R-2 : Mr.H.Velavadhas,
Central Government Standing Counsel.
For R-3 : Mr.D.Sasikumar,
Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to issue passport to the petitioner based on his application dated 27.01.2022.

2.The petitioner has filed this Writ Petition on the ground that his application for passport has not been processed by the second respondent in view of pendency of an F.I.R in Crime No.479 of 2015 registered against the petitioner for the offences under Section 147, 148, 294(b), 323, 324, 506(ii) of IPC.



3.It is settled law that pendency of an F.I.R will not prohibit the second respondent from issuing passport to any applicant. It depends on facts and circumstances of each case. It is for the second respondent to consider each and every case on merits and decide as to whether the applicant can be granted passport or not. The same procedure has to be followed for the case of the petitioner also.

4.It is contended by Mr.H.Velavadas, learned Central Government Standing Counsel appearing for the first and second respondents that till date, the petitioner has not submitted an explanation with regard to the pendency of the aforementioned F.I.R against him. He would submit that unless and until an explanation is submitted, the second respondent will not be in a position to consider the petitioner's passport application on merits and in accordance with law. The said statement is recorded.

5.Learned counsel for the petitioner submits that the petitioner is willing to submit an explanation to the second respondent as sought for by them. The said statement is also recorded.

6.No prejudice would be caused to the respondents, if the petitioner's application seeking for issuance of passport 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.

7.For the foregoing reasons, the petitioner is directed to submit his explanation with regard to the F.I.R pending against him in Crime No.479 of 2015 under Section 147, 148, 294(b), 323, 324, 506(ii) of IPC to the second respondent 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 second respondent shall pass final orders on the petitioner's passport application dated 27.01.2022 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 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 (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Secretary,
The Government of India,
Ministry of External Affairs,
New Delhi.

2.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

3.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai - 625 102.

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-19193[F] dated 19/04/2022)

+1 CC to M/s.S.ATHAM ALI, Advocate (SR-19798[F] dated 20/04/2022)

+1 CC to M/s.SPL.GP (SR-19357[F] dated 19/04/2022)

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RS (11.05.2022) 3P-7C