



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7037 of 2022

and

W.M.P.[MD]No.5385 of 2022

WEB COPY

Chelladurai Madasamy

... Petitioner/Petitioner

/Vs./

The Regional Passport Officer,
Office of the Regional Passport Officer,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai 625 002,
Tamil Nadu.

... Respondent/Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding of the respondent in Letter Ref.No.SCN/310706573/21 dated 17.02.2021 and consequently direct the respondent herein to consider the application of the petitioner pending in File No.MD01C5004027321 dated 29.01.2021 for issuance of passport to the petitioner.

For Petitioner : Mr.K.Appadurai

For Respondent : Mrs.L.Victoria Gowri

Assistant Solicitor General of India

ORDER

This writ petition has been filed challenging the impugned communication dated 17.02.2021 calling upon the petitioner to submit an explanation with regard to the pendency of an FIR against him in Crime No.128 of 2020 registered under Sections 188 and 269 of IPC.

2.The petitioner has challenged the impugned communication on the ground that pendency of an FIR does not prohibit the respondent to issue passport. It is also his case that he has already submitted an explanation on 24.02.2021 to the respondent with regard to the FIR pending against him in Crime No.128 of 2020 registered under Sections 188 and 269 of IPC.

3.It is the settled law that pendency of FIR will not prohibit the respondent from issuing passport to any applicant. It depends on the facts and circumstances of each case as to whether any applicant is entitled for passport or not.

4.In the case on hand, the petitioner has already submitted his explanation with regard to the FIR pending against him in Crime No.128 of 2020 filed under Sections 188 and 269 of IPC. He has also pleaded his innocence in his explanation.



5.However, the learned Assistant Solicitor General of India, who accepts notice on behalf of the respondent, on instructions, would submit that the stage of the FIR is unknown.

6.It is for the petitioner to produce all relevant documents/records including the details of the stage of FIR pending against him, to the respondent in the enquiry proceedings to be conducted by the respondent. The petitioner will have to satisfy the respondent with regard to his eligibility to get a passport, despite pendency of an FIR against him in Crime No.128 of 2020 filed under Sections 188 and 269 of IPC.

7.No prejudice would be caused to the respondent, 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. It is for the respondent to decide as to whether the petitioner is entitled for passport or not.

8.For the foregoing reasons, this Court directs the respondent to consider the petitioner's application seeking for issuance of 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, within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner is permitted to produce all the relevant documents/records to substantiate his case for issuance of passport in his name before the respondent and the respondent shall consider the same on merits and in accordance with law.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sm

To

The Regional Passport Officer,
Office of the Regional Passport Officer,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai 625 002,
Tamil Nadu.

+1 CC to M/s.K. APPADURAI, Advocate (SR-18650[F] dated 13/04/2022)

W.P. [MD]No.7037 of 2022

13.04.2022