



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7075 of 2022

M.Durai Pandi Muthu

... Petitioner

/Vs./

- 1.The Secretary,
The Government of India,
Ministry of External Affairs,
New Delhi.
- 2.The Regional Passport Officer,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road, Madurai-625 002.
- 3.The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu, Melur Taluk,
Madurai 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 2nd respondent's impugned communication No.SCN/312394277/22 dated 31.03.2022 and quash the same and consequently, direct the 2nd respondent to issue passport to the petitioner by considering the petitioner's application No.MD1074069413122, dated 25.03.2022, within a period as stipulated by this Court.

For Petitioner	: Mr.S.Atham Ali
For R1 and R2	: Mr.V.Malaiyendran, Central Government Standing Counsel
For R3	: Mr.B.Saravanan, Additional Government Pleader.

ORDER

This writ petition has been filed challenging the show cause notice dated 31.03.2022 issued by the second respondent calling upon the petitioner to submit an explanation with regard to the FIR pending against him in Crime No.405 of 2016 under Sections 147, 294 (b) and 506(1) IPC r/w. Section 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.



2. Admittedly, the petitioner has not submitted any reply to the impugned show cause notice. Even without sending a reply, the petitioner has filed this writ petition prematurely.

3. The learned counsel appearing for the petitioner, on instructions would submit that the petitioner is willing to submit a reply to the impugned show cause notice and on receipt of the said reply, the second respondent shall consider the same on merits and in accordance with law.

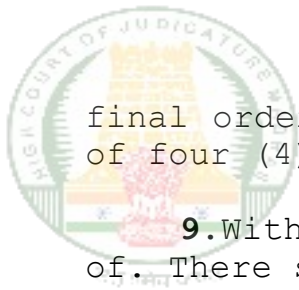
4. Heard Mr.S.Atham Ali, learned Counsel for the writ petitioner, Mr.V.Malaiyendran, learned Central Government Standing Counsel, who accepts notice on behalf of the respondents 1 and 2 and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the third respondent.

5. It is a settled law that pendency of an FIR will not prohibit the second respondent to consider the application seeking for passport. It is for the second respondent to consider each and every case on merits and in accordance with law, and thereafter decide as to whether any applicant is entitled for passport or not.

6. The learned Additional Government Pleader appearing for the third respondent, on instructions, would submit that apart from the FIR mentioned in the affidavit and in the show cause notice, there are two other FIRs pending against the petitioner in Crime Nos.21 of 2016 and 84 of 2022. The petitioner will have to give an explanation with regard to these FIRs also to the second respondent to enable the second respondent to consider on merits and in accordance with law.

7. No prejudice would be caused to the second respondent, if the petitioner's application seeking for passport is considered on merits and in accordance with law, after giving due consideration to the petitioner's objections, within a time frame to be fixed by this Court. The petitioner must also be afforded a fair hearing in the enquiry proceedings to be conducted by the second respondent.

8. For the foregoing reasons, this Court directs the petitioner to submit an explanation with regard to the three FIRs as stated supra pending against him to the second respondent within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the explanation, the second respondent shall pass



final orders, on merits and in accordance with law, within a period of four (4) weeks thereafter.

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

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Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Secretary,
The Government of India,
Ministry of External Affairs,
New Delhi.
2. The Regional Passport Officer,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road, Madurai-625 002.
3. The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu, Melur Taluk,
Madurai District.

+1 CC to M/s.S. ATHAM ALI, Advocate (SR-21397[F] dated 26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21262[F] dated 26/04/2022)

order made in

W.P. [MD]No.7075 of 2022

Dated:

25.04.2022

SG(CO)

GC(16.05.2022) 3P 6C