



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

WEB COPY

W.P. (MD) .No.8078 of 2022

Mohamed Seyed Ahamed Naina

... Petitioner

Vs.

The Regional Passport Officer,
Madurai Passport Office,
Madurai - 625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue passport to the petitioner in respect of application No.MD01C5002491922 dated 13.01.2022 pending on the file of the respondent within a stipulated time fixed by this Court.

For Petitioner : Mr.R.Selvaraj
For Respondent : Mr.P.Paulpandi,
Senior Central Government Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to issue passport in favour of the petitioner based on his application dated 13.01.2022 within a time frame to be fixed by this Court.

2. According to the petitioner, he applied for a passport on 13.01.2022 with the respondent. However, his passport application is kept pending only on the ground that there is an F.I.R pending against him in Crime No.375 of 2020 registered under Section 147, 148, 294(b), 448, 506(2) and 420 of IPC. The petitioner has also not submitted any explanation with regard to the pendency of the F.I.R against him in Crime No.375 of 2020 referred to supra.

3. It is settled law that pendency of an F.I.R will not prohibit the respondent from issuing passport to any applicant. It is for the respondent to decide as to whether any applicant is entitled for a passport despite the pendency of an F.I.R. It depends on facts and circumstances of each case and the nature of the F.I.R.

4. No prejudice would be caused to the respondent, if the petitioner's application dated 13.01.2022 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.

5. As seen from the documents filed along with the Writ Petition, the petitioner has not sent any explanation to the communication received by him dated 29.03.2022 with regard to the F.I.R pending against him in Crime No.375 of 2020. The petitioner will have to necessarily submit an explanation with regard to the said F.I.R to the respondent to enable them to consider the petitioner's passport application on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the petitioner to submit an explanation with regard to the F.I.R pending against him in Crime No.375 of 2020 to the 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 respondent shall pass final orders on the passport application dated 13.01.2022 submitted by the petitioner within a period of four (4) weeks thereafter, after affording a fair hearing to the petitioner including granting him the right of personal hearing.

7. 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)

Lm

To

The Regional Passport Officer,
Madurai Passport Office,
Madurai - 625 002.

+1 CC to M/s.P. PAUL PANDI, Advocate (SR-21314[F] dated 26/04/2022)

W.P. (MD) .No.8078 of 2022
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SS/26.05.2022 : 2P/3C