



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8129 of 2022

WEB COPY

Subramanian Ganesan

... Petitioner

Vs.

1.The Regional Passport Officer,
Ministry of External Affairs,
Madurai.

2.The Superintendent Enquiry Officer,
The Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
Tamil Nadu.

3.The Inspector of Police,
Devakottai Police Station,
Sivagangai District.

4.The Inspector of Police,
Aravayal Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to issue passport on the petitioner's application with File No.MD1074079494922 dated 30.03.2022 based on his representation dated 11.04.2022.

For Petitioner : Mr.C.Susikumar

For Respondents 1 & 2 : Mr.D.Saravanan

Central Government Standing Counsel

For Respondents 3 & 4 : Mr.T.Amjad Khan

Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the first and second respondents to issue passport to the petitioner based on his application dated 30.03.2022, followed by his representation dated 11.04.2022, within a time frame to be fixed by this Court.

2.According to the petitioner, his passport application is kept pending in view of the pendency of two FIRs against him in Crime Nos.167/2020 and 49/2021.



3.Both the alleged offences as seen from the crime numbers arise out of the offences committed under the Mines and Minerals Act. The petitioner's application seeking for passport has not been processed till date by the first and second respondents only on the ground that the said FIRs are pending against him and that he has not submitted a proper explanation with regard to those FIRs.

4.Learned Counsel for the petitioner would now submit that the petitioner is willing to submit a fresh explanation to the respondents 1 and 2 with regard to the said FIRs, if permitted by this Court. The said undertaking is recorded.

5.Learned Government Advocate appearing for the third and fourth respondents would further submit that though charge sheets have been filed in respect of the two FIRs, the same have not been taken cognizance of by the concerned Magistrate Court. The said statement is recorded.

6.Since the charge sheets have not been taken cognizance of by the concerned Magistrate Court, there is no prohibition for the respondents 1 and 2 to consider the petitioner's passport application. It is settled law that pendency of an FIR will not prohibit the passport authority to issue passport. It depends on facts and circumstances of each case and also depends upon the nature of the FIR.

7.No prejudice would be caused to the respondents if the petitioner's application seeking for 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.

8.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's application dated 30.03.2022 seeking for issuance of passport in his name on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and pass final orders within a period of eight [8] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Regional Passport Officer,
Ministry of External Affairs,
Madurai.

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The Regional Passport Office,
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3.The Inspector of Police,
Devakottai Police Station,
Sivagangai District.

4.The Inspector of Police,
Aravayal Police Station,
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+1 CC to M/s.D. SARAVANAN, Advocate (SR-21586[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21874[F] dated 27/04/2022)

W.P. [MD]No.8129 of 2022
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MGJ(23.05.2022) 3P 7C