



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8287 of 2022

WEB COPY

Kesavan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichy.

2.The Inspector of Police,
Fort Police Station,
Trichy City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to re-issue passport to the petitioner on the basis of the petitioner's application dated 01.04.2022 pending in File No.TR2074088736122 before the 1st respondent by accepting the petitioner's explanation within a time frame.

For Petitioner : Mr.T.Lenin Kumar

For R1 : Mrs.L.Victoria Gowri
Assistant Solicitor General

For R2 : Mr.B.Saravanan
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to re-issue the passport in favour of the petitioner based on his application dated 01.04.2022 within a time frame to be fixed by this Court.

2.According to the petitioner, the petitioner applied for re-issuance of his passport with the first respondent on 01.04.2022. However, the same has not been processed till date on the ground that an FIR in Crime No.383/19 is pending against him under Sections 143 & 341 of IPC on the file of the second respondent police. The petitioner has already submitted an explanation on 22.04.2022, to



the first respondent with regard to the FIR in Crime No.383/19, pending against him and he has pleaded innocence in the said explanation.

3.Heard Mr.T.Lenin Kumar, learned Counsel appearing for the writ petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General, who accepts notice on behalf of the 1st respondent and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the 2nd respondent.

4.No prejudice would be caused to the first respondent, if the petitioner's application seeking for re-issuance of his 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.It is settled law that mere pendency of an FIR will not prohibit the first respondent from issuing or re-issuing the passport to any applicant. It depends on facts and circumstances of each case and the nature of offences charged under the FIR. It is for the first respondent to decide after considering the petitioner's explanation as to whether the petitioner is entitled for re-issuance of passport or not.

6.For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's application dated 01.04.2022 seeking for re-issuance of his passport after affording a fair hearing to the petitioner including granting him the right of personal hearing and also after considering his explanation dated 22.04.2022, within a period of eight [8] weeks from the date of receipt of a copy of this order. The petitioner is also permitted to furnish additional documents and in case, additional explanation before the first respondent.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR
To

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building, W.B.Road, Trichy.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Fort Police Station,
Trichy City.

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-22025[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22110[F] dated 28/04/2022)

W.P. [MD]No.8287 of 2022
27.04.2022

_RD(16.05.2022) 3P 5C