



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.9867 of 2022

Bensam Magesh

... 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
Koodankulam Police Station
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st and 2nd respondents to issue passport on the petitioner's application with File No.MD2064113635322, dated 11.04.2022, based on his representation dated 09.05.2022.

For Petitioner : Mr.Susikumar.C.

For Respondents : Mrs.Ragavendree

Central Government Standing Counsel for R1 & R2
Mr.A.Kannan

Additional Government Pleader for R3

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 and 2 to issue passport to the petitioner based on his application dated 11.04.2022 and representation dated 09.05.2022, within a time frame to be fixed by this Court.

2. The petitioner applied for passport with the second respondent on 11.04.2022. His application has not been processed on the ground that an F.I.R. in Crime No.135 of 2019, on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District, is pending against him. The petitioner has also submitted explanation to the second respondent to the said F.I.R.



3. Mr.A.Kannan, learned Additional Government Pleader, who accepts notice for the third respondent, on instructions, submits that charge sheet has been filed, but it has not been taken on file by the concerned jurisdictional Magistrate.

4. It is settled law that pendency of F.I.R. will not prohibit the respondents from issuing passport to any applicant. In the present case, charge sheet has been filed, but it has not been taken cognizance by the concerned jurisdictional Magistrate. Therefore, there is no prohibition for the second respondent to consider the petitioner's passport application on merits and in accordance with law after affording a fair hearing to the petitioner. Despite the pendency of F.I.R., the second respondent is empowered to issue passport. However, it depends on the facts and circumstances of each case and the nature of the F.I.R. It is for the second respondent to decide, after affording a fair hearing to the petitioner, as to whether passport can be issued to him or not.

5. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's passport application dated 11.04.2022 followed by his representation dated 09.05.2022 on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him a right of personal hearing and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar (CS-III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

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To:

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,
Koodankulam Police Station,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-24021[F] dated 23/05/2022)

W.P. (MD) No.9867 of 2022
20.05.2022

NSN (CO)
GC(31.05.2022) 3P 5C