



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11012 of 2022

WEB COPY

V.Suresh

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Sub Inspector of Police,
Sipcot Police Station,
Manamadurai,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent not to take any adverse action on the basis of the report submitted by the second respondent and reject the same on the basis of the petitioner's representation dated 16.05.2022.

For Petitioner : Mr.C.Ezhilarasu

For R1 : Mrs.Victoria Gowri

Assistant Solicitor General

For R2 : Mr.M.Sarangan

Additional Government Pleader

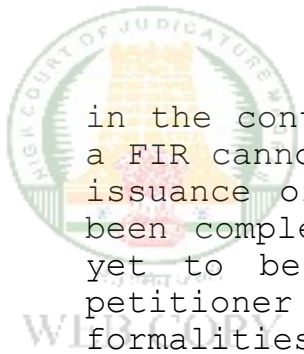
ORDER

Heard the learned counsel appearing for the petitioner and the learned Assistant Solicitor General appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent.

2. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

3.The petitioner had applied for issuance of passport. The verification report was called for from the second respondent. The second respondent in his report pointed out that the petitioner is shown as an accused in Crime No.277 of 2020 registered on the file of the second respondent. This Writ Petition has been filed for directing the first respondent not to take any adverse action on the basis of such a report.

4. Such a relief cannot be sought. The materials submitted by the second respondent are for the consideration of the first respondent. Therefore, it is not open to this Court to call upon the first respondent to reject the report of the second respondent. The prayer has been inappropriately couched. There is however merit



in the contention of the petitioner's counsel that mere pendency of a FIR cannot be a ground for declining to process an application for issuance of passport. It appears that investigation has already been completed and final report has been filed. But cognizance is yet to be taken. Therefore, there is no impediment for the petitioner to obtain passport subject to fulfilment of the other formalities. The first respondent shall process the petitioner's application and issue passport to the petitioner subject to fulfilment of other formalities.

5. The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Sub Inspector of Police,
Sipcot Police Station,
Manamadurai, Sivagangai District.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-24524[F] dated 08/06/2022)

+1 CC to M/s.SPL.GP (SR-25101[F] dated 10/06/2022)

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MGJ(16.06.2022) 2P 5C