



W.P(MD)No.18835 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18835 of 2022

and

W.M.P.(MD)Nos.13738 and 13739 of 2022

T.Jayaprabhu

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Officer,
Bharathi Ula Street,
Alagarkovil Road,
Madurai.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.

3.The Inspector of Police,
District Crime Branch,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the impugned proceedings of the 1st respondent dated 02.08.2022 and quash the same and consequently directing the 1st respondent to issue passport to the petitioner in Application No. MD1064398119522.



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For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mrs.L.Victoria Gowri,
Assistant Solicitor General for R1
Mr.M.Prakash,
Addl. Government Pleader for R2 & R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned Assistant Selector General for the first respondent and the learned Additional Government Pleader for the respondents 2 and 3.

2.The petitioner had submitted an application to the first respondent for issuance of passport. The second respondent had given an adverse verification report. Based on the same, the first respondent had called upon the petitioner to appear along with necessary documents. The said communication is put to challenge in this writ petition.

3.I fail to understand as to how the impugned communication infringes the petitioner's rights. The petitioner had only been called upon to offer his explanation. Even while negating the petitioner's challenge to the impugned communication, I am of the view that the relief can as well be granted. This is



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because even according to the respondents 2 and 3, the criminal case registered against the writ petitioner is only pending at the FIR stage. It is well settled that pendency of a criminal case at the FIR stage cannot operate as an impediment for issuance of passport.

4. In this view of the matter, the first respondent is directed to process the petition mentioned application and issue passport to the writ petitioner. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

17.08.2022

Index : Yes / No

Internet : Yes/ No

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issue order copy on 22.08.2022

To:-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.

2. The Inspector of Police,
District Crime Branch,
Dindigul.



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G.R.SWAMINATHAN, J.

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