



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.21088 of 2021

S.Manikandan

... Petitioner

Vs.

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

2. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

... Respondents

[R2 is impleaded vide court order dated 16.12.2021]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent to issue a passport to the petitioner by considering his Passport Application vide file No.MD2063339414121 dated 23.03.2021 within a stipulated period as prescribed by this Hon'ble Court.

For Petitioner : Mr.P.Rengaraju

For Respondent No.1 : Mr.V.Malaiyendran

Central Government Standing Counsel

For Respondent No.2 : Mr.S.Jeyapriya

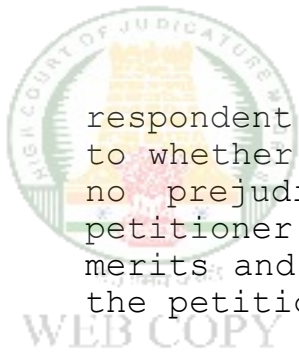
Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to issue passport to the petitioner based on his passport application dated 23.03.2021, within a time frame to be fixed by this Court.

2.The petitioner has applied for passport with the first respondent on 23.03.2021. The said application has not been processed by the first respondent on the ground that an FIR is pending against the petitioner in Crime No.108 of 2021. The petitioner has been charged for the offences under Section 379 IPC r/w. Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

3.It is settled law that pendency of an FIR does not prohibit the first respondent from issuing passport. It is for the first



respondent to consider each and every case on merits and decide as to whether the applicant is entitled for passport or not. Therefore, no prejudice would be caused to the first respondent if the petitioner's passport application dated 23.03.2021 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.

4. Accordingly, this Court directs the first respondent to consider the petitioner's passport application dated 23.03.2021, requesting for grant of passport in his name and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him an opportunity of personal hearing within a period of eight [8] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

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

2. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-15313[F] dated 30/03/2022)

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29.03.2022

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