

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22654 of 2022

Kongithayan, S/o.Chinnaiah

.. Petitioner

Versus

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

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to issue passport to the petitioner, by considering his application, dated 16.08.2022, in File No.MD 1074497138322 and his explanation, dated 12.09.2022.

For Petitioner	:	Mr.A.V.Arun
For 1 st Respondent	:	Mrs.L.Victoria Gowri Assistant Solicitor General of India
For 2 nd Respondent	:	Mr.B.Thanga Aravindh Government Advocate (Criminal side)

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to issue passport to him, by considering his application, dated 16.08.2022, in File No.MD 1074497138322 and his explanation, dated 12.09.2022.

2.The case of the petitioner is that he studied only upto 9th Standard. Due to poverty, he could not continue his further studies and now, he is doing Coolie work. In order to earn more money for his child's future and also for his family expenses, he decided to go to abroad for labour work. Hence, he applied for passport before the first respondent on 15.02.2017. After due verification, the first respondent had issued a passport to the petitioner and the same is expired on 14.02.2027. In the meanwhile, the said passport was misplaced. Hence, the petitioner applied for re-issuance of the said passport before the first respondent on 18.08.2022 through online. In such circumstances, on 31.08.2022, the petitioner received a communication from the first respondent stating that they have received an adverse police verification report corresponding to his application. In the said report, it is informed about pendency of a criminal case against him in Crime No.148 of 2022, on the file of the second respondent Police. On receipt of such information, the first respondent issued the above communication dated 31.08.2022, asking the petitioner to submit his explanation.

3. Thereafter, the petitioner approached the first respondent and given his explanation and also made written explanation on 12.09.2022, stating that the said criminal case was foisted against the petitioner in the year 2022 due to some quarrel between the petitioner and his neighbour. The above said case was registered on 19.06.2022 by the second respondent and till date, no final report has been filed before the learned Judicial Magistrate, Melur and mere registration of the complaint cannot be construed as criminal case is pending against the petitioner.

4. The learned Assistant Solicitor General of India appearing for the first respondent submits that the petitioner has sent his explanation only recently and the same would be considered and appropriate orders would be passed on merits and in accordance with law within a time frame to be fixed by this Court.

5. Recording the above said submission made by the learned Assistant Solicitor General of India, this Writ Petition is disposed of directing the first respondent to consider the explanation submitted by the petitioner, dated 12.09.2022, and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Index : Yes/No

11.10.2022

To

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Madurai – 625 002.
- 2.The Inspector of Police,
Keelavalavu Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.22654 of 2022

11.10.2022