



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 11.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22712 of 2022

N.Saravabab

..Petitioner

Vs

1.The Regional Passport Officer,
The Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Tiruchirappalli,
Tamil Nadu – 620 008.

2.The Inspector of Police,
Thirunallar Police Station,
Karaikal District,
Puducherry UT.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to issue a passport to the Petitioner based on his application in File No.TR4073884862122, dated 12.01.2022 within the time stipulated by this Court.

For Petitioner : Mr.P.Balamurugan

For Respondent-1: Ms.L.Victoria Gowri
Asst.Solicitor General of India

For Respondent-2: Mr.B.Thanga Aravindh
Govt.Advocate(Crl.Side)

**ORDER**

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This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the first respondent to issue a passport to the Petitioner based on his application in File No.TR4073884862122, dated 12.01.2022 within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the Petitioner is an architect by profession and he had submitted an application on 12.1.2022 for renewing his earlier passport bearing No.Z2383405 which was about expire on 7.3.2022. During the process of issuance of a passport, the Petitioner's earlier passport was cancelled and the first respondent has taken necessary steps to issue a fresh passport and the Petitioner's application was taken on file in File No. TR4073884862122 on 12.01.2022. Whiles, the first respondent by letter, dated 25.1.2022 sought for clarification, on receipt of an adverse Police Verification Report in respect of the petitioner's application stating that the Petitioner has involved in a case in Cr.No.95 of 2021 under Section 149, 269, 270 and 143 of Indian Penal Code and also 51(b) of the Disaster Management Axct, 2005 and the case is pending trial before the Judicial Magistrate



explanation to the first respondent on 16.2.2022. Now the passport has not been reissued and it has been expired and the renewal of the Petitioner's passport was in time. The Petitioner further submits that the above said case has been registered as against 20 persons including the Petitioner, based on the complaint given by the Village Administrative Officer, Thirunallar, Karaikal before the second respondent on 4.7.2021 for symbolic Fasting conducted by the localities of Ambagarathur agitating the cause against the segregation and amalgamation of three streets from Ambagarathur Division to Nallambal Division in connection with the Local Panchayat Election for Pudhcherry Union Territory, wherein, the Petitioner was arrayed as A2 in the above said Crime Number. The learned counsel for the Petitioner would further submit that the Petitioner is in no way connected with the criminal case and has not committed any offence as alleged. It is only a symbolic fasting held by the local people and they had no intention to cause any trouble to the public.

4. It is found that it is only a symbolic fasting conducted by the local people of the above locality and in some of the cases, the authorities have released them getting an undertaking from them stating that they will not indulge in such activities in future.

5. The learned Government Advocate (Crl. Side) appearing for the second respondent/Police would submit that the case is only in FIR stage.



After completion of investigation, the case was charge-sheeted and submitted to the Judicial Magistrate Court No.II, Karaikal and the same was not yet taken on file and no C.C.Number was assigned.

6.The learned Assistant Solicitor General of India appearing for the first respondent would submit that explanation was received from the Petitioner and the case was in FIR stage, wherein, the Petitioner has been arrayed as A2 and the same was not yet taken on file by the Jurisdictional Magistrate and would further submit that the authorities will taken necessary action and will pass appropriate orders.

7.On going through the averments, it is seen that it is only a symbolic fasting conducted by the local people of Ambagarathur agitating against the segregation and amalgamation of three streets from Ambagarathur division to Nallambal division in connection with local Panchayat Election for Puducherry Union Territory and there is no wilful disobedience of the Government orders. Further the case is only in FIR stage and charge sheet has been filed and the same was not yet taken on file by the jurisdictional Magistrate and the case is in premature stage.

8.In view of the above stated position, this Court directs the first respondent to issue fresh passport to the Petitioner based on his application in File No.TR4073884862122, dated 12.01.2022 within a



period of six weeks from the date of receipt of a copy of this order.

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9. With the above direction, the Writ Petition stands disposed of. No costs.

11.10.2022

Index : Yes/No

Internet: Yes/No

vsn

To

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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN

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