



W.P.(MD)No.22854 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22854 of 2022

and

W.M.P(MD).Nos.16975, 16977 and 16978 of 2022

K.Prabhakaran

.. Petitioner

Versus

1.The Regional Passport Officer,
The Regional Passport Office,
Tiruchirappalli, Municipal Water Tank Building,
West Boulevard Road,
Trichy District 620 008.

2.The Inspector of Police,
K.Puduppatti Police Station,
Keelanilai Post,
Thirumayam Taluk, Pudukottai District 622 202

.. Respondents

Prayer :- Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the same pertaining to the impugned order in Letter Ref No.SCN/310791181/21, dated 22.03.2021 and the consequential impugned order Ref.No.REM/310869621/21, dated 21.04.2021 on the file of the first respondent and consequently directing the first respondent to issue passport to the petitioner within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy



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For Respondents

: Ms.L.Victoria Gowri(for R1)
Assistant Solicitor General of India

Mr.B.Thanga Aravindh (for R2)
Government Advocate (Crl.side)

ORDER

This petition has been filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Letter Ref No.SCN/310791181/21, dated 22.03.2021 and consequent impugned order Ref.No.REM/310869621/21, dated 21.04.2021 on the file of the first respondent and consequently, direct the first respondent to issue passport to the petitioner within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side.

3.The learned counsel appearing for the petitioner submitted that the petitioner has completed B.Tech in Food Technology in the year 2021 and he has applied for Post Graduation course in UK, for which, he wanted passport. Hence, he made an application on 06.01.2021 before the first respondent seeking passport. The first respondent vide impugned order, dated 22.03.2021 in Letter Ref.No.SCN/310791181/21, stating that the petitioner is involved in a criminal case in Crime No.22 of 2019 for the offence under Sections 147,



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148, 294(b) and 323 of IPC, asked the petitioner to furnish explanation along with Court order.

4.Subsequently, vide order in Ref.No.REM/310869621/21, dated 21.04.2021, the first respondent directed the petitioner to furnish explanation within 15 days. In response to that, the petitioner appeared before the first respondent and the petitioner was informed that due to the pendency of the criminal case in Crime No.22 of 2019 before the second respondent herein, the passport could not be issued. He also referred to various judgment of this Court, wherein it is stated that mere pendency of an FIR will not be a bar to issue passport. But, the first respondent mechanically refused to issue passport to the petitioner citing the pendency of criminal case. Hence, the petitioner came forward before this Court with the aforesaid prayer.

5.The learned Government Advocate (Crl.side) appearing for the second respondent, on instructions, would submit that charge sheet has been filed in respect of Crime No.22 of 2019 before the learned Judicial Magistrate, Thirumayam and the same is pending in CC.No.238 of 2022.

6.The learned Assistant Solicitor General appearing for the first respondent would submit that after scrutinizing the application of the



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petitioner, the same was sent to the police for investigation. Thereafter, the first respondent has received an adverse report from the Superintendent of Police, Pudukkottai stating that the petitioner has involved in a criminal case in Crime No.22 of 2019 for the offence under Sections 417, 148, 294(b) and 323 of IPC on the file of the K.Pudupatti Police Station. In this regard, the petitioner was issued show cause notice on 22.03.2021 followed by a reminder letter in Ref.No.REM/310869621/21, dated 21.04.2021 seeking explanation with regard to the criminal case pending against him. Since the petitioner did not come forward to respond the same, his application was closed on 10.03.2022. When the application itself filed by the petitioner was closed, there is no provision for re-opening the same. If the petitioner applies once again for issuance of fresh passport, he can do so with requisite documents and fee and the same would be considered and processed as per Rules.

7.Considering the facts and circumstances of the case and on perusal of the records available before this Court, it is seen that the petitioner has involved in a crime. Charge sheet has also been filed and the same was pending before the learned Judicial Magistrate, Thirumayam. The petitioner did not respond to the authorities, when they asked him to give explanation by issuing show cause notice.



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8. Further, it is seen that the application of the petitioner has been closed as the petitioner did not give any explanation. When the application of the petitioner itself was closed, the question of quashing show cause notice does not arise at all. Therefore, this Court is of the view that there is no need to interfere with the order passed by the first respondent. Accordingly, the Writ Petition is disposed of. No costs. However, it is open to the petitioner to approach the authority concerned afresh seeking passport, if he so desires. Consequently, connected Miscellaneous Petitions are closed.

14.10.2022

Index : Yes/No
Rmk

To

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V.BHAVANI SUBBAROYAN, J.

Rmk

Order made in
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