



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24351 of 2022

Ajae Beemasenan

..Petitioner

Vs

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

2.The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.

..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 consider the Petitioner's representation, dated 13.7.2022 and issue the passport vide Application No.MD4063796810121 within the time frame fixed by this Court.

For Petitioner :Mr.K.Seetha Ram

For Respondent-1:Mr.V.Malaiyendran
Central

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

ORDER

The petitioner has filed this Writ Petition seeking issuance of a Writ



of Mandamus directing the first respondent to consider the Petitioner's representation dated 13.7.2022 and issue the passport vide Application No.MD4063796810121 within the time frame fixed 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 has applied for passport to the first respondent as stated above, on 22.11.2021 and attended the interview on 13.12.2021.While so, the Petitioner received a clarification notice, dated 30.12.2021 stating that he had received adverse Police Verification Report from the second respondent that an FIR is pending against the Petitioner and thereafter only, the Petitioner came to know that an FIR in Crime No.134 of 2018 for the alleged offence under Section 143 and 188 of IPC is registered against him on 10.10.2018 in respect of a Political protest at Asaripallam.The Petitioner was not aware of the registration of FIR and hence the Petitioner had sent a clarification letter on 5.3.2022 to the first respondent and inspite of the same, the Petitioner was not issued with the passport. Hence the Petitioner sent a representation on 13.3.2022 in this regard and again on 13.7.2022.Since no action was taken, the Petitioner has come forward with the present Writ Petition for the relief stated supra.



4.The learned Government Advocate(Crl.Side) appearing for the second respondent Police filed a counter affidavit stating that the case registered against the Petitioner was closed by the learned Judicial Magistrate concerned vide ROC.No.44 of 2021 on 22.12.2021 by invoking Section 468 of Cr.P.C., and his name was removed from the CCTNS Portal on 28.4.2022 in view of the order passed by the learned Magistrate in L.F.No.1100 of 2021. Apart from the above, the Petitioner has no bad antecedents.

5.In view of the above stated position, this Court directs the first respondent to consider the Petitioner's representation, dated 13.7.2022 for issuance of passport vide Application No.MD4063796810121 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ petition stands disposed of. No costs.

02.11.2022

Index : Yes/No

Internet:Yes/No

vsn

<https://www.mhc.tn.gov.in/judis>



To

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Madurai – 625 002.

2. The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.



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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN

W.P(MD)No.24351 of 2022

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