



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24919 of 2022

J.Lovelesh

..Petitioner

Vs

1.The Regional Passport Office,
Madurai Region,
Madurai.

2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli 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 issue the passport to the Petitioner based on the Petitioner's Application No. MD 2064369807922, dated 5.7.2022 on the basis of the Petitioner's representation, dated 13.10.2022.

For Petitioner :Mr.S.Vinayak

For Respondent-1:Mrs.K.Christy the Boras
Addl.Govt.Pleader
for 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 the passport to the Petitioner based on the Petitioner's Application No. MD 2064369807922, dated 5.7.2022, on the basis of the Petitioner's representation, dated 13.10.2022.

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 his family is a poor family and he wants to go abroad to earn more and to maintain the family and made an application as stated above on 5.7.2022. On Police verification, it was informed to the first respondent that an FIR is pending against the Petitioner in Crime No.244 of 2020, for the alleged offence under Sections 294(b), 448, 427, 506(i) of IPC and hence, the first respondent sought explanation from the Petitioner and the petitioner appeared before the first respondent on 27.7.2022 and that no charge-sheet was filed as on 5.7.2022. Further the pendency of FIR is not a bar for issuance of passport. Hence the Petitioner sent a representation on 13.10.2022 to the first respondent. Since the same was not considered, the Petitioner has filed this Writ Petition for the relief stated supra.



4.The learned Government Advocate(Crl.side)appearing for the second respondent Police has produced a communication of the second respondent Police and has submitted that the case registered against the Petitioner has been charged-sheeted in C.C.No.145 of 2022 and taken on file by the Judicial Magistrate Court, Radhapuram on 28.8.2022.

5.In view of the above, this Court is of the view that the Petitioner has to approach the concerned Judicial Magistrate seeking permission for issuance of passport, however, the learned counsel for the Petitioner would submit that the learned Magistrate is not the competent authority for issuance of passport and this Court is the only competent authority to do the same. However, this Court is not inclined to give any positive direction in this matter, since the FIR lodged against the Petitioner has been charge sheeted.

6.On the above facts, it is left open to the Petitioner to approach the first respondent for considering his representation, dated 13.10.2022 for issuance of passport in accordance with law.

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

07.11.2022

Index : Yes/No
Internet: Yes/No



To

1.The Regional Passport Office,
Madurai Region,
Madurai.

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



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ORDER MADE IN

W.P(MD)No.24919 of 2022

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