



W.P.(MD).No.26912 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.26912 of 2022

B.Senthilkumar

... Petitioner

vs.

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

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent not to take any adverse action on the basis of the report submitted by the second respondent and reject the same on the basis of petitioner's representation, dated 06.10.2022.

For Petitioner : Mr.C.Ezhilarasu



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For R1	: Mr.K.Manikandan Standing counsel
For R2	: Mr.B.Thanga Aravindh Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent not to take any adverse action on the basis of the report submitted by the second respondent and reject the same on the basis of petitioner's representation, dated 06.10.2022.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he has made an application for renewal of passport on 17.09.2021 and the same was renewed on 29.09.2021. Thereafter, on 29.09.2021, the first respondent has issued a show cause notice stating that the second respondent has submitted an adverse police report against the petitioner with an remark indicating that



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he was involved in a criminal cases in Crime No.37 of 2019 for the offences under Sections 147, 148, 294(b), 452, 324 and 307 of I.P.C., pending on the file of the second respondent police and hence not recommended. The petitioner was called to submit a suitable explanation and to file a fresh application within 15 days from the date of receipt of the show cause notice. On 06.10.2022, the petitioner has submitted a reply notice before the first respondent through registered post and the same was acknowledged on 10.10.2022. As far as the Crime No.37 of 2019 is concerned, the petitioner's name was arrayed as first accused. Hence, the petitioner has filed a petition before this Court seeking to quash the above said case and the same is pending. In the circumstances, the petitioner has filed the present writ petition.

4. The learned Government Advocate (Crl.side) appearing for the second respondent would submit that a case in Crime No.37 of 2019 for the offences under Sections 147, 148, 294(b), 452, 324 and 307 of I.P.C., is pending against the petitioner and he has made an objection for issuing the passport.



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5. Heard the learned counsel for the petitioner, learned Standing counsel appearing for the first respondent and the learned Government Advocate (Crl.side) appearing for the second respondent.

6. On going through the said averments and the F.I.R. filed, it could be seen that the F.I.R. was registered on 19.02.2019 at 23.15 hrs. and the petitioner herein has attacked the complainant with sickle and he was arrayed as first accused in the F.I.R. Based on the adverse report submitted by the second respondent, the first respondent has issued a show cause notice against him. As per Section 6 (c) of the Passport Act, 1967, the Passport Officer may reject the same, if they are finding it that the complaint against the petitioner is serious in nature. The petitioner cannot seek for such a prayer as the authorities are bound to proceed as per law. Hence, there is no merit in this writ petition and the same is dismissed. No costs.

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V.BHAVANI SUBBAROYAN,J.

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