



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 30.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27052 of 2022

Karthikkumar

..Petitioner

Vs

1.The Regional passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai nagar,
Trichy.

2.The Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai 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 passport based on the explanation/representation, dated 24.11.2022 within the time stipulated by this Court.

For Petitioner : Mr.D.Ramesh Kumar

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

For Respondent-2: Mr.B.Thanga Aravindh
Govt.Advocate

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus

directing the first respondent to issue passport based on the



explanation/representation, dated 24.11.2022 within the time stipulated by this Court.

2.Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India takes notice for the first respondent and Mr.B.Thanga Aravindh, learned Government Advocate(Crl.Side) takes notice for the second respondent. 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 the Petitioner had applied for passport through online on 14.09.2022 before the first respondent and the same was assigned with File No.TR 2064583999322 and after verification, the respondents sent a communication by letter, dated 18.10.2022 stating that a criminal case is pending against the Petitioner in Crime No.286 of 2022, for the offence punishable under Sections 147, 294(b) and 326 of IPC, on the file of the second respondent and asking the Petitioner to appear in person to give his explanation with regard to the above Criminal case.The Petitioner appeared before the first respondent and has given his valid explanation and also sent a detailed explanation/representation on 24.11.2022, explaining the mistake done by the person, who fill the application form. Since the same was not considered so far, the Petitioner has filed the above Writ Petition for the relief stated supra.



4.The learned Assistant Solicitor General of India appearing for the first respondent would submit that the Petitioner is a chain snatcher and has committed the offence as stated above and that charge-sheet has been filed before the Jurisdictional Magistrate and not yet taken on file and prays for dismissal of the Writ Petition.

5.From the above, this Court is of the view that the Petitioner, who sought for issuance of passport, is a person having the habit of chain snatching and hence, this Court is not inclined to consider the Petitioner's claim for such a person and it is for the first respondent to consider the claim of the Petitioner as per Section 5(2)(c) of the Passports Act and as such, the writ Petition is liable to be dismissed.

6.Accordingly, this Writ Petition is dismissed, however, with a direction to the first respondent to consider the representation of the Petitioner, dated 24.11.2022 for issuance of passport to him and pass appropriate orders on merits and as per Section 5(2)(c) of the Passports Act, after affording an opportunity of hearing to all the parties concerned, within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

30.11.2022



Index : Yes/No

Internet: Yes/No

vsn

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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.27052 of 2022

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