



W.P(MD)No.27886 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27886 of 2022

U.Mohamed Ali Jinnah

... Petitioner

Vs.

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

2.The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai City.

3.The Inspector of Police,
O/o. the Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to reissue new passport to the petitioner by considering his explanation dated 09.11.2022.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.H.Lakshmi Shankar
SPC for R1

: Mr.B.Thanga Aravindh
Government Advocate (Crl.side) for R2 &R3



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ORDER

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Heard the learned counsel on either side.

2. The petitioner applied to the first respondent for re-issuance of passport. The application was made in September 2022. The first respondent sent a communication to the petitioner seeking explanation as to why the petitioner suppressed his involvement in Crime No.70 of 2021 registered on the file of the Vilakkuthoon Police Station, Madurai City. Parallely, the first respondent also sought police verification report from the second respondent. The petitioner is desirous of going on Hajji and Umrah pilgrimage.

3. The learned counsel appearing for the petitioner states that there is some urgency in the matter. Therefore, the respondents 2 & 3 were called upon to file their counter affidavit.

4. The learned Government Advocate (crl.side) appearing for R2 & R3 submitted that the petitioner is very much figuring as A27 in Crime No.70 of 2021. The petitioner's counsel however would dispute his identity.

5. Be that as it may, the said case is pending only at the FIR stage. The other case registered against the petitioner has already ended in acquittal. The petitioner's name is said to figure in the History Sheet list maintained by the Vilakkuthoon Police Station. The petitioner's counsel would assert that interim order is operating in his favour.



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6. However, the said submission has not been substantiated. I would therefore hold that mere inclusion of the petitioner's name in the History Sheet list cannot lead to denial of issuance of passport. Since the criminal case pending against the petitioner is only at the FIR stage, there is no impediment for issuing passport. Since the petitioner wants to go on a holy pilgrimage, the first respondent is directed to issue passport to the petitioner at the earliest subject to fulfilment of other usual formalities.

7. The Writ Petition is allowed. No costs.

22.12.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
O/o. the Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.



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G.R.SWAMINATHAN, J.

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