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W.P.No.5296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.5296 of 2023

M.Naseema Banu

... Petitioner

Vs.

1.Regional Passport Officer,
Regional Passport Office,
Trichirapalli.

2.State Rep. by Sub-Inspector of Police,
Kuthanallur, Police Station,
Thiruvavarur – 614 101.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to issue the passport to the petitioner considering her online application vide File No.TR1074933736723 dated 03.01.2023, within a time bound framed by this Court.

For Petitioner : Mr.A.Rajamohamed

For Respondents : Mr.S.Magesh

Central Government Standing Counsel [R1]

Mr.K.M.D.Muhilan

Additional Government Pleader [R2]



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ORDER

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This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, to direct the first respondent to issue the passport to the petitioner considering her online application vide File No.TR1074933736723 dated 03.01.2023, within a time bound framed by this Court.

2.The case of the petitioner is that the petitioner's passport bearing No.L3667705 going to expire on 07.08.2023. Hence, the petitioner has applied for renewal of passport through online vide File No.TR1074933736723 dated 03.01.2023. Thereafter, the first respondent has issued a show cause notice dated 24.01.2023 to the petitioner stating that a criminal case is pending against her and directed the petitioner to clarify the same. Pursuant to which, the petitioner appeared before the first respondent on 31.01.2023 and went to the concerned police station and came to know that a FIR in Crime No.53 of 2022 was filed against her under Sections 143, 270 and 341 of IPC, 1860 r/w 3 of Epidemic Disease Act, 1857 and Section 51(b) of Disaster Management Act, 2005 for the rally conducted by the petitioner along with five others during Covid -19



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pandemic situation. Subsequently, the petitioner has sent a representation dated 10.02.2023 to the first respondent as a reply to the show cause notice and requested the first respondent to renew her passport. However, due to pendency of the criminal case pending against the petitioner, the first respondent kept the passport renewal application pending. Therefore, the present writ petition is filed before this Court seeking for appropriate directions.

3.Mr.A.Rajamohamed, the learned counsel for the petitioner would submit that due to pendency of the criminal cases pending against the petitioner, the respondent has not considered the passport renewal application filed by the petitioner. However, this Court had quashed the criminal cases pending against the petitioner in CrI.O.P.Nos.4969 and 5076 of 2023 and the second respondent/Law Enforcing Agency issued a No Objection Certificate in favour of the petitioner to the first respondent/Passport Authority.

4.Mr.K.M.D.Muhilan, learned Additional Government Pleader appearing for the second respondent/Police has reiterated the same and



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submitted that they have already forwarded the No Objection Certificate to the first respondent/Passport Authority. Hence, there is no impediment for the first respondent to renew the petitioner's passport.

5.Mr.S.Magesh, learned Central Government Standing Counsel appearing for the first respondent submitted that the passport renewal application of the petitioner will considered as soon as they receive the No Objection Certificate forwarded by the second respondent/Police.

6.Heard Mr.A.Rajamohamed, learned counsel for the petitioner, Mr.S.Mahesh, learned Central Government Standing Counsel appearing for the first respondent and Mr.K.M.D.Muhilan, learned Additional Government Pleader appearing for the second respondent and perused the materials placed before this Court.

7.In view of the above submissions, this Court, directs the first respondent/Passport Authority to renew and issue the passport to the petitioner on or before **20.03.2023**.



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8. Accordingly, the Writ Petition is allowed. No Costs.

16.03.2023

Index : Yes / No

Speaking order / Non-speaking order

Netrual Citation Case : Yes / No

sp

Note: Issue order copy today (i.e., 16.03.2023)

To

1. The Regional Passport Officer,
Regional Passport Office,
Trichirapalli.

2. The Sub-Inspector of Police,
Kuthanallur, Police Station,
Thiruvavarur – 614 101.



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M.DHANDAPANI, J.

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