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W.P.No.9910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM :

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

W.P.No.9910 of 2023

Fazal Mohammed Adam

... Petitioner

Vs.

The Regional Passport Officer,
Chennai Royala Towers No.2 and 3,
IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to issue passport to the petitioner by considering the petitioner's application No.MA51C5048264121 dated 17.11.2021 and the petitioner's representation/reply dated 11.01.2023.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.G.Baskaran
Central Government Standing
Counsel



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ORDER

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This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondent to issue passport to the petitioner by considering the petitioner's application No.MA51C5048264121 dated 17.11.2021 and the petitioner's representation/reply dated 11.01.2023.

2. The case of the petitioner is that the petitioner made an application for issuance of passport on 17.11.2021 on the file of the respondent. However, due to adverse remarks and pendency of criminal case, a show cause notice was issued on 02.09.2022 calling for explanation from the petitioner. Pursuant to which, the petitioner has sent a detailed representation/reply dated 11.01.2023 to the respondent explaining about the circumstances under which the FIR was registered against him. However, till date the petitioner's application was not disposed of. Hence, the present writ petition is filed before this Court for appropriate directions.

3. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the respondent to issue passport



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to the petitioner by considering his application No.MA51C5048264121 dated 17.11.2021 and his representation/reply dated 11.01.2023, within a time frame that may be fixed by this Court.

4. The learned Central Government Standing Counsel appearing for the respondent vehemently opposed for grant of passport to the petitioner on the ground that the petitioner already created law and order problem during the pandemic period and for which, the Law Enforcing Agency has registered a criminal case against the petitioner and the same is pending and suppressing the same, he made an application before the respondent. However, pursuant to the show cause notice issued by the respondent, the petitioner has not appeared before the respondent so far. Hence, the prayer sought for by the petitioner cannot be granted. Accordingly, he prays for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner as well as the learned Central Government Standing Counsel appearing for the respondent and perused the materials available on record.



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6. Admittedly, the petitioner made an application before the respondent on 17.11.2021 for issuance of passport. It was also equally undisputed fact that there was a criminal case pending against the petitioner, for which, the respondent issued a show cause notice calling for explanation. However, the petitioner claims that he made explanation, whereas, the respondent claims that the petitioner has not appeared before the respondent.

7. In view of the above, this Court, directs the petitioner to give explanation within a period of one (1) week from the date of receipt of a copy of this order and if such explanation is received, the respondent is directed to consider the petitioner's application dated 17.11.2021 and pass appropriate orders within a period of two weeks thereafter.

8. With the above directions, this Writ Petition is disposed of. No costs.

30.03.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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