



W.P.No.11509 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11509 of 2023

And

W.M.P.No.11399 of 2023

Mrs.Rubeena Muhaseen Kainoon

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
First Floor,
Corporation Commercial Complex,
Thandumariamman Koil,
Avinashi Road,
Coimbatore – 641 018.

2.The Inspector of Police,
Puliampatti Police Station,
Erode.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating the impugned communication / letter in Letter reference No.SCN/ 314285399 / 23 dated 16.02.2023 of the first respondent and quash the same as illegal and consequently direct the first respondent to issue Passport to the petitioner vide File No.CB1065034085923 on



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02.02.2023 within time frame stipulated by this Hon'ble Court by considering the petitioner's representation dated 01.04.2023 in the light of the judgment of this Hon'ble Court in Venkatesh Kandasamy Vs. Government of India reported in AIR 2015 Mad 3.

For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.V.Ashok Kumar for R1
CGSC
Mr.U.Baranidharan for R2
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating the impugned communication / letter in Letter reference No.SCN/ 314285399 / 23 dated 16.02.2023 of the first respondent and quash the same as illegal and consequently direct the first respondent to issue Passport to the petitioner vide File No.CB1065034085923 on 02.02.2023 within the time frame stipulated by this Court by considering the petitioner's representation dated 01.04.2023 in the light of the judgment of this Court in Venkatesh Kandasamy Vs. Government of India reported in AIR 2015 Mad 3.



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2.The petitioner made application to the first respondent seeking issuance of passport, however, the same was not considered and the impugned communication was issued to the petitioner. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner's application for passport was not processed on the ground that F.I.R. is pending against her. The learned counsel further submitted that mere pendency of F.I.R. is not a bar for issuance of passport. Hence, withholding the application is not sustainable one and this Court may issue direction to the first respondent to issue passport to the petitioner.

4.The learned Central Government Standing Counsel appearing for the first respondent submitted that if charge sheet is laid as against the petitioner, then permission has to be obtained from the concerned Court for processing the petitioner's application and further submitted that the petitioner's application will be processed in the manner known to law.



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5. Admittedly, mere pendency of F.I.R. is not a bar for issuance of passport. Hence, this Court directs the first respondent to process the petitioner's application and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

17.04.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Regional Passport Officer,
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Corporation Commercial Complex,
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