



WEB COPY



W.P.No.18564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.18564 of 2023

Sai Babu Kancheti

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office, Chennai,
Royala Towers No.2 & 3, 4th Floor,
Old No.785, New No.158, Anna Salai,
Chennai – 600 002.

2.The Inspector of Police (L&O),
Pattabhipuram Police Station,
Guntur, Andhra Pradesh.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, declaring the action of the respondents in not renewing/reissuing the petitioner's passport in pursuant to his application in file No.MA1074946237523, dated 06.01.2023 on the ground that he is involved in Crime No.05 of 2019, Pattabhipuram Police Station and further directing to furnish original case completion order as illegal, arbitrary, unjust, unreasonable, high-handed and violative of Articles 14, 19 and 21 of the Constitution of



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India apart from the provisions of Passport Act, 1967 and consequently,
direct the respondents to renew/reissue the same forthwith.

For Petitioner : Mr.J.Srinivasan

For Respondents : Mr.B.Rabu Manohar
SCGSC [R1]
Mr.E.Veda Bagath Singh
Special Government Pleader [R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus,
to direct the respondents to renew/reissue the passport to the petitioner
pursuant to his application dated 06.01.2023.

2. Mr.B.Rabu Manohar, learned Senior Central Government
Standing Counsel takes notice for the first respondent and Mr.E.Veda
Bagath Singh, learned Special Government Pleader takes notice for the
second respondent. In view of the consent expressed by the learned
counsel appearing on either side, this petition is taken up for final
disposal.



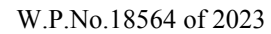
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3. The case of the petitioner is that, his passport expired on 04.12.2022, therefore, he made an application for renewal of passport on 06.01.2023 vide file No.MA1074946237523. However, due to pendency of criminal case, a show cause notice was issued on 16.01.2023 calling for explanation from the petitioner. Since the petitioner's passport application was not considered, he filed the above writ petition before this Court for appropriate directions.

4. The learned counsel for the petitioner submits that, though an FIR has been registered, no charge sheet has been filed so far. He also submits that, it is a settled position of law that the mere pendency of FIR is not a bar for the authority to re-issue passport to the petitioner.

5. The learned Senior Central Government Standing Counsel appearing for the first respondent submits that the petitioner's passport application will be considered by the first respondent in accordance with law, within a time frame that may be stipulated by this Court.



7. With the above direction, the Writ Petition is disposed of. No costs.

Index : Yes / No
 Speaking order / Non-speaking order
 Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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