



W.P.(MD)No.3038 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3038 of 2023

M.Mohamedfiyas

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue passport to the petitioner based on his file No. MD1064388489722 dated 11.07.2022.

For Petitioner : Mr.P.Aju Tagore

For R1 : Mr.M.Karthikeyavenkitachalapathy

For R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



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W.P.(MD)No.3038 of 2023

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. The petitioner had earlier filed W.P.(MD)No.24792 of 2022. This Court had directed authority to consider his application. Since the authority was yet to pass order, the present writ petition has been filed.

3. The second respondent has filed a counter affidavit and that the details of the criminal case pending against the petitioner have been catalogued. The details are as follows:

Sl. No.	Police Station and Crime Number	Section of Law	Disposal / Present stage of the case	
1.	Sakkottai PS Cr.No.2/18	147, 148, 294(b), 506(ii) IPC	PT	C.C.No. 356/18, Karaikudi J.M.
2.	Sakkottai PS Cr.No.226/19	147,148,294(b), 323, 324, 506(ii) IPC	NTF	
3.	Sakkottai PS Cr.No.185/2020	188, 270, 294(b), 505(i) (c), 506(i) IPC & 67(B) IT Act	UI	



W.P.(MD)No.3038 of 2023

4.	Sakkottai PS Cr.No.35/21	143, 270 IPC	NTF	
5.	Sakkottai PS Cr.No.158/21	143, 269 IPC	NTF	
6.	Sakkottai PS Cr No.193/21	143, 269 IPC	NTF	
7.	Karaikudi North PS Cr.No: 725/2020	143, 269 IPC	NTF	
8.	Karaikudi North PS Cr.No.	143, 269 IPC	NTF	
9.	S.V.Mangalam PS Cr.No.128/2020	143, 269, 271 IPC	NTF	Singampunari J.M.

4. The petitioner through his counsel gives an undertaking that he will appear before the learned Judicial Magistrate, Karaikudi, in C.C.No.356 of 2018 in Crime No.2 of 2018 registered on the file of the second respondent, on the next hearing date.

5. A mere perusal of the cases registered against the petitioner indicate that they are primarily political in nature. The learned counsel for the second respondent would allege that the petitioner's name is included in the history sheet. I have held on more than one occasion that the fact that a person is described as a history sheetor, cannot be a ground for denying passport. Subject to fulfilment of the other usual formalities, the first respondent is directed to issue passport to the petitioner.



W.P.(MD)No.3038 of 2023

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6. This writ petition is allowed with the aforesaid directions.

No costs.

02.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

1.The Passport Officer,
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2.The Inspector of Police,
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W.P.(MD)No.3038 of 2023

G.R.SWAMINATHAN,J.

pnn

W.P.(MD)No.3038 of 2023

02.03.2023