



W.P.(MD)No.11281 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11281 of 2023

K.Palani Selvam

... Petitioner

Vs.

1. The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

2. The Inspector of Police,
Civil Supply CID,
Thoothukudi.

3. The Sub Inspector of Police,
Civil Supply CID,
Kovilpatti.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the Application No.MD1072378496919 and issue passport to the petitioner herein.



W.P.(MD)No.11281 of 2023

WEB COPY

For Petitioner : Mr.C.Emalias
For R1 : Mr.V.Malaiyendran
For R2 and R3 : Mr.G.V.Vairam Santhosh,
Additional Govt. Pleader

ORDER

This writ petition has been filed for a Mandamus, directing the respondents to consider the petitioner's Application No.MD1072378496919 and issue passport to him.

2. The case of the petitioner is that he is doing wholesale pulses and grains business and also exporting the pulses, grains and rice to Benin, Sri Lanka and Malaysia from the year 2005, for which, he has to travel often to the above countries. Since his passport has expired, he applied for a passport before the first respondent/the Regional Passport Officer, Madurai on 21.08.2019. The first respondent sent a letter dated 27.08.2019 advising him to furnish all original documents within a period of 30 days. After receipt of the said letter, he sent his reply on 26.12.2020 explaining the urgency of issuance of passport. Subsequent to that, he has received another letter from the first respondent on



W.P.(MD)No.11281 of 2023

WEB COPY

07.01.2021 informing that he was involved in 13 criminal cases and therefore, he refused to process his passport application. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that admittedly, 13 criminal cases have been registered against the petitioner and most of the cases ended in acquittal and in some of the cases, charge sheet has not been filed and now, six criminal cases alone are pending as against the petitioner. The mere pendency of criminal cases is not a bar for the official respondents to issue passport to the petitioner. If at all, the official respondents are having any grievance in issuing passport to the petitioner that he would flee from the country without facing trial before the criminal court, the official respondents may issue passport in the name of the petitioner and send the same directly to the Judicial Magistrate No.IV, Tuticorin, before whom, five criminal cases are pending as against the petitioner in C.C.Nos.519 of 2017, 262 of 2017, 64 of 2017, 797 of 2017 and 1312 of 2017 and thereafter, the petitioner may be directed to approach the Judicial Magistrate No.IV, Tuticorin and



W.P.(MD)No.11281 of 2023

file an application for issuance of passport and on filing the said application, the Judicial Magistrate No.IV, Tuticorin, may be directed to consider the same on merits and pass orders in accordance with law.

4. The learned Standing Counsel appearing for the first respondent would submit that the first respondent may be directed to issue passport in the name of the petitioner and to send the same directly to the Judicial Magistrate No.4, Tuticorin, before whom, five criminal cases are pending against the petitioner and the Judicial Magistrate No.4, Tuticorin shall take decision as and when an application is filed.

5. In view of said submissions, the first respondent is directed to process the petitioner's passport application, after conducting an enquiry by giving an opportunity to the petitioner and issue fresh passport in the name of the petitioner and send the same to the Judicial Magistrate No.IV, Tuticorin, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to make an application before the Judicial Magistrate No.4, Tuticorin for issuance of passport. In



W.P.(MD)No.11281 of 2023

WEB COPY

the event of filing an application, the Judicial Magistrate No.4, Tuticorin shall take decision in accordance with law as expeditiously as possible.

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

04.05.2023

Index : Yes/No

Internet : Yes/No

CM/ogy

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W.P.(MD)No.11281 of 2023

M.DHANDAPANI,J.

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W.P.(MD)No.11281 of 2023

04.05.2023