



W.P.(MD)No.12201 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12201 of 2023

Suresh

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to issue passport to the petitioner based on his application dated 28.04.2023 in File No.MD2086783305323 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For R-2 : Mr.P.Thambidurai,
Government Advocaate

For R-1 : Mr.N.Karthikeya Venktachalapathy



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ORDER

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Mr.N.Karthikeya Vengatachalapathy, learned counsel takes notice for the first respondent and Mr.P.Thambidurai, learned Government Advocate takes notice for the second respondent.

2. This writ petition has been filed for issuance of a writ of Mandamus, directing the first respondent to issue passport to the petitioner based on his application, dated 28.04.2023 in File No.MD2086783305323 within a stipulated period of time.

3. Mr.R.Karunanidhi, learned counsel for the petitioner submitted that the petitioner has completed 9th standard and working in a private Company and he has received positive opinion regarding availability of job at Kuwait and he made an application for passport on 28.04.2023 and remitted a sum of Rs.1500/- towards process of the passport application and his application has been assigned with file No.MD2086783305323 by the first respondent. However, after receipt of police verification report, the first respondent has issued a letter and directed the petitioner to submit certain clarification with regard to a case



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in Crime No.194 of 2021 pending before the second respondent police station. The said F.I.R is with respect to political demonstration wherein the petitioner has been falsely implicated. The learned counsel would further submit that the name of the petitioner was not found place in the F.I.R and no untoward incident happened even after the said case. Further, pendency of an F.I.R., is not a bar for issuance of a passport and therefore, the petitioner's application may be directed to be considered.

4. Mr.P.Thambidurai, learned Government Advocate appearing for the second respondent would submit that a charge sheet has already been filed on 30.04.2021 on the file of the Court of Judicial Magistrate, Valliyoor, however, the same was not taken on file.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. The writ petitioner submitted an application to the first respondent seeking issuance of passport. Since a criminal case has been registered against the petitioner, his application is not being processed.



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The second respondent clarifies before this Court that in the case registered against the writ petitioner, a charge sheet was filed, however, the same was not taken on file and further, the name of the petitioner was not found place in the F.I.R. Therefore, there is no impediment for processing the petition mentioned application. The first respondent is directed to process the petition mentioned application and issue passport to the petitioner subject to fulfilment of the usual formalities, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of.

No Costs.

18.05.2023

NCC: Yes/No

Index : Yes / No

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To

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L.VICTORIA GOWRI,J.

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