



W.P.(MD)No.14368 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.14368 of 2015

Mytheen Peer Mohamad

... Petitioner

versus

The Regional Passport Office,
Represented through Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

... Respondent

Writ Petitions filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to take necessary action for issuance of the passport by considering the representation of the petitioner dated 19.03.2015 within a stipulated period.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : No appearance



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ORDER

The petitioner, a graduate, in order to seek employment abroad, had applied for a passport through a private agency, by name, Passport Seva Kendra, Tirunelveli. The respondent, by referring a criminal case, which was pending against him in Crime No.291 of 2009, has not issued any passport to the petitioner. Therefore, the petitioner made a representation dated 19.03.2015 to the respondent, requesting him to consider his case for issuing passport *de hors* the criminal case pending against him in Cr.No.291 of 2009. Since there was no response, he filed this writ petition, seeking a direction to the respondent to consider his representation dated 19.03.2015.

2. The learned counsel appearing for the petitioner submits that though the case in Crime No.291/2009 was registered against the petitioner, the Police has not filed any final report till 2015 and during that period, the respondent failed to issue passport to the petitioner and



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later, the Police has filed the final report only in the year 2018, which was taken on file as C.C.No.3 of 2018 on the file of the learned Judicial Magistrate, Boothapandi and the same was ended in acquittal by a Judgment dated 06.08.2022.

3. There is no representation for the respondent. However, a counter affidavit has been filed on behalf of the respondent stating that the petitioner was involved in a case in Cr.No.291 of 2009 for the offence punishable under Sections 147, 295, 294(b), 324, 506(ii), 153(A) IPC and in the police verification report, the criminal case was referred and therefore, the respondent has not issued passport to the petitioner. It is further stated in the counter affidavit that once the petitioner submits proper explanation for pendency of the criminal case, a further verification report will be obtained from the police and his application would be processed as per law.



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4. This Court considered the submission made by the learned counsel appearing for the petitioner and the averments made in the counter affidavit filed by the respondent.

5. The petitioner has filed this writ petition in the year 2015 with a grievance that though he applied for a passport, the respondent has not issued any passport to him. It appears that the respondent, on receipt of police verification report, issued a show cause notice dated 20.02.2015 to the petitioner and asked him to furnish his further explanation regarding the status of criminal case. However, the petitioner failed to place any material before the respondent as to further development of criminal case pending against him. Now, the criminal case pending against the petitioner was ended in acquittal by Judgment dated 06.08.2022, passed by the learned Judicial Magistrate, Boothapandi, in C.C.No.3 of 2018.



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6. Considering the subsequent development, this writ petition is allowed with a direction to the petitioner to submit a fresh representation along with a copy of the Judgment dated 06.08.2022 passed by the learned Judicial Magistrate, Boothapandi, in C.C.No.3 of 2018, within a period of four weeks from the date of receipt of a copy of this order. On such representation, the respondent shall ascertain once again with regard to the status of the criminal case, if any, as against the petitioner by way of police verification and process the application of the petitioner for passport as expeditiously as possible, preferably, within a period of 12 weeks from thereon. No costs.

27.03.2023

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



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B.PUGALENDHI, J.

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