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W.P.(MD)NO.23627 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.23627 of 2015 AND
M.P.(MD)No.1 of 2015

Kathar Mydeen

... Petitioner

Vs.

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

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the respondent in his proceedings No.SCN/303055435/15 dated 14.09.2015 and quash the same.

For Petitioner : Mr.D.Selvanayagam

For Respondent : Mr.S.Jeyasingh

* * *

ORDER

Heard the learned counsel on either side.



2. The petitioner is holding an Indian passport. It was impounded in the year 2015 on account of the implication of the petitioner in criminal cases.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that totally three cases were registered against the petitioner and that one case ended in acquittal in C.C.No.17 of 2016 on the file of the Judicial Magistrate No.I, Tirunelveli. One case is pending at FIR stage (Crime No.423 of 2013 on the file of Tirunelveli City police station, Palayamkottai).

4. It is well settled that pendency of FIR cannot be a ground for non-issuance of passport or renewal of passport. Three cases were pending at the earlier stage. If that be so, the learned counsel appearing for the petitioner is not in a position to furnish the relevant details (Crime No.111 of 2014 on the file of District Crime Branch, Palayamkottai). Since three cases have been charge sheeted, the petitioner is at liberty to move the learned trial Magistrate for appropriate relief. If any such application is filed, the learned trial



Magistrate will dispose of the same on merits and in accordance with law within a period of four weeks from the date of filing of such application. Granting liberty to the petitioner to move the learned trial Magistrate and with the aforesaid direction to the trial Court, this writ petition stands disposed of. I make it clear that I have not gone into the merits of the matter. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2023

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

PMU

To:

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



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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