



W.P(MD)No.20908 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20908 of 2016

Sarbudheen

... Petitioner

Vs

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

**2.The Superintendent of Police,
District Police Office,
Dindigul District.**

**3.The Inspector of Police,
Town South Police Station,
Dindigul,
Dindigul District.**

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to issue the passport in respect of petitioner application in File No. MD1079331474916 dated 04.05.2016 with in a stipulated time prescribed by this Court.

For Petitioner

:No appearance



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For R1

:Mr.S.Jeyasingh

Standing Counsel

For R2 & R3

:Mr.P.Kottaichamy

Government Advocate

ORDER

The case of the petitioner is that his passport expired in the year 2006 and he was re-issued with a passport with a validity upto 09.07.2017. In the meantime, a public advisory notice has been issued by the first respondent on 23.12.2014, directing all the holders of Non-Machine Readable Passports and the hand written passports to surrender their passports and get fresh passports. Since the petitioner is having a hand written passport, he surrendered his passport No.F7823604, dated 16.11.2006 with a validity upto 09.07.2017 and he has also applied for a fresh passport. On 14.06.2016, the petitioner has received a show cause notice to offer his explanation as to the criminal cases pending as against him. According to the petitioner in his area, there are 10 persons named as Sarbudeen and he has not involved in any criminal cases. However, the first respondent under the impression that the petitioner is involved in criminal cases refused to issue passport to



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the petitioner. Hence, this petition.

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2.On 14.06.2023, when this writ petition was taken up for hearing, there was no representation for the petitioner. Therefore, this writ petition was ordered to be listed today under the caption "for dismissal". Even today(16.06.2023), there is no representation for the petitioner.

3.The learned standing counsel for the first respondent submits that based on the adverse report submitted by the second respondent, a show cause notice was issued to the petitioner and the petitioner has failed to appear before the Enquiry officer and therefore, enquiry was concluded, thereby the application of this petitioner was also closed.

4.The learned Government Advocate for the respondents 2 & 3 submits that this petitioner is involved in a criminal case in Crime No.118 of 2015 on the file of the Dindigul Town South Police



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Station for the offences punishable under Sections 143,188,285 of IPC and the final report in this case has also been filed and taken on file in CC No.15 of 2015 before the concerned Judicial Magistrate Court and a Non-bailable Warrant of arrest is pending against this petitioner.

5.This writ petition is filed for a Mandamus directing the first respondent to issue passport to the petitioner by considering his application dated 04.05.2016. However, there is no representation for the petitioner for the last two hearings.

6.Recording the submissions made on behalf of the respondents, this writ petition is dismissed with a liberty to the petitioner to submit a fresh application after the disposal of the criminal case, which is pending as against him or by obtaining No objection from the concerned Court. No costs.

16.06.2023

NCC : Yes / No.



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Index : Yes / No.

Internet : Yes.

vrn

To

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- 2.The Superintendent of Police,
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- 3.The Inspector of Police,
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B.PUGALENDHI, J.

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Order made in
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