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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.01.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.160 of 2024

Murugan

.... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 018.
2. The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st Respondent, to renew the petitioner's Passport bearing No.K7811051, within the time limit to be stipulaed by this Court.

For Petitioners : Ms.K.Dhivyashree

For Respondents : Mr.R.P.Pragadish (for R1)
Central Government Standing Counsel
Mr.R.Kishore Kumar (for R2)
Government Advocate



ORDER

Mr.R.P.Pragadish, learned Central Government Counsel accepts notice for R1 and Mr.R.Kishore Kumar, learned Government Advocate (Crl. Side) accepts notice for R2. Both are armed with instructions to enable final disposal of this matter, even at the stage of admission.

2. The prayer of the petitioner is for mandamus directing R1/The Regional Passport Officer to renew his passport bearing No.K7811051 within a fixed time limit. The petitioner had travelled to Qatar and was working there. After his return, he had applied for renewal of his passport, as the same expired on 09.05.2023, vide application No.TR01C5080109723.

3. R1 had sent a notice dated 13.09.2023 seeking clarification in regard to a pending FIR. The petitioner has given a reply on 18.12.2023, wherein he states that he had been falsely implicated in the criminal case referred to by R1. Learned counsel for R1, on instructions, confirms receipt of the said reply.

4. In the affidavit filed in support of the Writ Petition, the petitioner has set out the details of the criminal case at paragraph 3, being Cr.No.164 of 2019 dated 03.07.2019 on the file of the Inspector of Police, Anaikaranchathiram Police Station, Mayiladuthurai District/R2 for alleged offences under Section 379, 430 of IPC read with 21(1) of Mines and Minerals (Development &



Regulation) Act. He avers that the matter is still remains at FIR stage and no charge sheet has been filed. Learned Government Advocate for R2 confirms the aforesaid position.

5. Having heard learned counsel, I am of the categorical view that mandamus as sought for cannot be issued. The petitioner is however granted liberty to appear before the first respondent on any working day between 10.01.2024 and 12.01.2024 at 10.30 a.m. without expecting any further notice in this regard in response to the communication received from the first respondent.

6. After hearing the petitioner and considering his explanation, the first respondent will take a call on his application for re-issue of passport, in light of the settled position of law that mere pendency of a criminal case against the applicant shall not stand as a bar for issuance/re-issuance of passport.

7. Reference may be made in this regard to the judgment in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation (Criminal Appeal No.1342 of 2017 dated 27.09.2021)*, as well as orders passed in the cases of *Suresh V. Regional Passport Officer* (W.P.No.30019 of 2023 order dated 17.11.2023) and *Nedumaran Palaniappan V. Regional Passport Officer* (W.P.No.28448 of 2023 order dated 24.11.2023). This exercise shall be



DR.ANITA SUMANTH, J.

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completed within a period of two weeks from date of receipt of a copy of this order, in accordance with law.

8. This writ petition is disposed in terms of this order. No costs.

08.01.2024

Index : Yes/No

Speaking Order:Yes

Neutral Citation:Yes

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To

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