



W.P.No.551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.551 of 2024

Venkatesan

... Petitioner

Vs

1. Regional Passport Officer,
Passport Office,
Flat No.A5, Salai Road,
and Shastri Road Junction,
Thillai Nagar
Tiruchirappalli – 620 001.

2. The Inspector of Police,
Thittagudi Police Station,
Cuddalore 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 consider the passport application of the petitioner submitted on 15.04.2021 in Application Reference No.ARN:21-1002591697 to first respondent and issue a passport to the petitioner in accordance with law.

For Petitioner : Mr.M.Velmurugan
For Respondents : Mr.R.Kishore Kumar (for R2)
Government Advocate



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ORDER

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Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R2 and is are armed with instructions to enable final disposal of this matter, even at the stage of admission.

2. The petitioner had applied for passport on 15.04.2021 vide application bearing No. ARN:21-1002591697 before the Regional Passport Officer/R1. He was given an appointment to appear before R1 on 16.04.2021 and had duly appeared. In the course of police verification before R2 police station, an adverse report was submitted revealing a case in Crime No.166 of 2019 under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 read with Section 379 of IPC against the petitioner as third accused.

3. Though the petitioner would aver that the matter is only under investigation, Mr.Kishore Kumar, learned Government Advocate for Inspector of Police/R2 would confirm that a charge sheet has been laid. There has been no move on the part of R1 to either process the application or reject the same. Hence, this Writ Petition seeking mandamus directing R1 to consider his application filed on 15.04.2021 and issue passport in accordance with law.

4. The settled position of law as seen from the judgment of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation (Criminal Appeal No.1342 of 2017 dated 27.09.2021)*, as well



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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) is that a passport may not be refused to be issued/re-issued merely on the ground of pendency of a criminal case. The ratio of the aforesaid decisions have been consistently followed by the Courts,

5. Hence, the petitioner is granted liberty to appear before the first respondent on any working day between 11.01.2024 and 19.01.2024 at 10.30 a.m. without expecting any further notice in this regard and pursue the application.

6. After hearing the petitioner and considering his explanation, the first respondent will process the application of the petitioner in light of the settled position of law as set out in paragraph 4 supra, within a period of four (4) weeks from date when the petitioner presents himself before the authority, in accordance with law.

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

Dr.ANITA SUMANTH,J.



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8. As there is no representation for R1 today, Mr.Vadivelu

Deenadayalan, learned Additional Government Pleader, who is present in Court will intimate R1 of the contents of this order.

10.01.2024

Index : Yes / No

Speaking order

Neutral citations:Yes

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To

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