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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.983 of 2024

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... Petitioner

Vs

1. Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross
Tiruchirappalli – 620 018.

2. The Inspector of Police,
Anaikaranchatram 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 issue a passport to the petitioner by considering his application No.TR01C5071282323 dated 02.08.2023.

For Petitioner : Ms.K.Dhivyashree
For Respondents : Mr.M.Sathyan
Senior Panel Counsel - R1
Mr.R.Kishore Kumar
Government Advocate - R2



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Mr.M.Sathyan, learned Senior Panel Counsel accepts notice for R1 and

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

2. The petitioner is a Diploma holder in Mechanical Engineering and had applied for passport on 02.08.2023 vide application bearing No. TR01C507128323 before the Regional Passport Officer/R1. The petitioner accedes to the position that he had been implicated in a criminal case before R2, being Inspector of Police, Anaikaranchatram Police Station, Mayiladuthurai District in Crime No.304 of 2023 under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

3. Mr.Kishore Kumar, learned Government Advocate for R2, would state that the matter is pending only at the stage of FIR and no charge sheet has been laid till date. Mr.M.Sathyan, learned Senior Panel Counsel for R1 is also in possession of written instructions to state that show cause notice had been issued to the petitioner on 15.09.2023 calling for the appearance of the petitioner in order to explain the stage of FIR.

4. The petitioner has responded to the show cause notice by letter dated 03.01.2024 and postal track indicates that the letter has been delivered on 04.01.2024. The explanation tendered is that he has been falsely implicated in



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the criminal case and the same shall not stand in the way of issuance of a passport.

5. 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 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.

6. In the present case, the only reason cited in show cause notice dated 15.09.2023 calling for the appearance of the petitioner is the pendency of the criminal case. This cannot justify the delay in issuance of passport from 02.08.2023 when the petitioner's application is pending.

Dr.ANITA SUMANTH,J.

7. The petitioner is granted liberty to appear before the first respondent on any working day between 19.01.2024 and 30.01.2024, barring Wednesday



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between 9.30. a.m. and 12.30 p.m. without expecting any further notice in this

regard and pursue the application.

8. 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 5 supra, within a period of two (2) weeks from date when the petitioner presents himself before the authority, in accordance with law.

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

18.01.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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To

1. Regional Passport Officer,
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2. The Inspector of Police,
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