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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH****W.P.No.2149 of 2024**

Pavithran Madhavan

... Petitioner

Vs

- 1 The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai – 600 002.

2. State of Tamilnadu,
Represented by Sub-Inspector of Police,
CBCID, Theni 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 condier the application of the petitioner seeking issuance of passport bearing Application No.MA51C5059035923 dated 03.07.2023 and issue passport in favour of the petitioner.

For Petitioner : Mr.Abhinav Parthasarathy

For Respondents : Mr.R.Siddharth (R1)

Central Government Counsel

Mr.R.Kishore Kumar (R2)

Government Advocate



ORDER

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Mr.R.Siddharth, learned Central Government Counsel accepts notice for R1/the Regional Passport Officer, Chennai and Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R2/Sub-Inspector of Police, Theni. They are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. Hence, by consent, the following order is passed.

2. The petitioner, a student, has sought a mandamus directing the Regional Passport Officer/R1 to consider his application for issuance of passport bearing Application No.MA51C5059035923 dated 03.07.2023.

3. The petitioner has been involved in a criminal case and was arrested for impersonation in the Neet examination. He has obtained bail in Cr.M.P.No.617 of 2020 on 24.02.2020. The petitioner presently pursues B.Tech (Food Technology) from Tamil Nadu Agricultural University in the fourth year. The withhold of the passport application till date is on account of the pendency of the criminal charges.

4. Mr.Siddharth, learned Central Government Standing counsel for R1 and Mr.Kishore Kumar, learned Government Advocate for R2 confirm that no charge sheet has been filed till date.

5. Be that as it may, the settled position of law is that no application for issuance of passport/re-issue of passport be withheld/rejected merely on the



ground of pendency of a criminal case (See 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), orders passed by the First Bench of this Court in *Regional Passport Officer v. Samsudeen Mohamed Salih and another* (W.A.No.902 of 2023 dated 02.06.2023) and of the writ court in *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).

6. In light of the aforesaid, the delay/inaction on the part of R1 to proceed with the processing of the passport application of the petitioner is clearly erroneous and misconceived. In light of the aforesaid discussion and the judicial precedents, mandamus is issued directing R1 to consider the application of the petitioner, hear the petitioner, if necessary, and pass orders in accordance with law within a period of four (4) weeks from today.

7. This Writ Petition is disposed in the aforesaid terms. No costs.

31.01.2024

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes



To

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Dr.ANITA SUMANTH,J.

VS

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