



WEB COPY

W.P.No.3398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.3398 of 2024

B.Swaminathan

.. Petitioner

VS

1.The Union of India

Rep. by its Principal Secretary,
Ministry of External Affairs, Union of India,
E-Block Central Secretariat,
New Delhi - 110 001.

2.The Regional Passport Officer,

Coimbatore, First Floor,
Corporation Commercial Complex,
Opp. Thandumari Amman Kovil,
Avinashi Road, Coimbatore - 641 018.

3.The Inspector of Police,

Velur Police Station,
Namakkal District

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the 2nd respondent to
issue the passport for the Application File No.CB21C5090489123 by
considering the petitioner's representation dated 02.12.2023.



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For Petitioner : Ms.V.Shalini
For Respondents : Mr.R.Kishore Kumar
Government Advocate
for R3
No appearance for R1, R2

ORDER

The petitioner had applied for passport on 02.12.2023 by way of an application bearing No.CB21C5090489123. He has received a show cause notice on 02.11.2023 from, the 2nd respondent namely the Regional Passport Officer, Coimbatore seeking a clarification in regard to the adverse police report to the effect that the petitioner was involved in Crime No.653 of 2021 under Section 107 of Cr.P.C on the file of the Velur Police Station dated 11.08.2021.

2. Mr.R.Kishore Kumar, who accepts notice for R3 would fairly submit that the police did not pursue the said complaint as against the petitioner.

3. That apart, the settled position of law is to the effect that issuance/renewal of passport cannot be withheld/delayed on account of pendency of FIR or a criminal case (See the judgment of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of*



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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).

4. The petitioner has also appeared before the respondents and submitted his response on 02.12.2023, despite which, the application is kept pending till date. Hence, this request for mandamus directing R2 to issue the passport and to consider his representation dated 02.12.2023.

5. In light of the aforesaid legal position, I see no impediment for grant of mandamus as sought for.

6. The petitioner is permitted to appear before the R2 on any day between 19.02.2024 and 23.02.2024 between 10.30 a.m. and 12.30 p.m., without awaiting any further notice in this regard and R2 is directed to hear the petitioner, consider the explanation filed and issue the passport bearing in mind the settled position of law as envisaged. This exercise will be completed within a period of two weeks from date of his appearance before R2.



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DR. ANITA SUMANTH,J.

7. This writ petition is disposed in the above terms. No costs.

14.02.2024

Index: Yes/No
Neutral Citation: Yes
mpl

To

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