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W.P.No.3474 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.3474 of 2024

Pradeep

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli – 620 018.
2. The Inspector of Police,
Maruvathur Police Station,
Perambalur 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 passport to the petitioner, by considering his Application No.TR5064844666922 dated 07.12.2022.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondents: Mr.K.Gunasekar for R1
Senior Panel Counsel Central Government
Mr.R.Kishore Kumar for R2
Government Advocate(Crl.Side)



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ORDER

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Mr.K.Gunasekar, learned Senior Panel Counsel Central Government takes notice for R1/the Regional Passport Officer, Tiruchirappalli and Mr.R.Kishore Kumar, learned Government Advocate takes notice for R2/Inspector of Police, Maruvathur Police Station, Perambalur District.

2. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Seeking for a direction to the 1st respondent to issue passport to the petitioner, by considering his Application No.TR5064844666922 dated 07.12.2022, the petitioner has filed the present writ petition.

4. It is averred in the writ petition that the petitioner had applied for passport on 07.12.2022 vide application bearing No. TR5064844666922 before the Regional Passport Officer/R1. After receiving his application, the 1st respondent, vide letter dated 16.12.2023, had stated that the petitioner's application cannot be recommended since an F.I.R. is pending against the petitioner. Further, the petitioner was instructed to give explanation for the same and also to produce relevant Court Order for obtaining passport.



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5. Learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in a criminal case bearing Crime No.121 of 2018 under Sections 294(b), 323 and 506(ii) of Indian Penal Code and Section 3 of TNPPDL Act and no charge sheet has been filed till date. Therefore, the contention of the learned counsel is that withholding of passport application on account of pendency of the criminal charges is unsustainable. Hence, he prayed for allowing the writ petition.

6. Mr.Kishore Kumar, learned Government Advocate appearing for Inspector of Police/R2 would state that the F.I.R is still pending.

7. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

8. Perusal of records would show that in Crime No.121 of 2018, F.I.R is pending but no charge sheet has been filed till date. 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 and the same has been upheld by the judgment of the Hon'ble Supreme



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Court in ***Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation***

(Criminal Appeal No.1342 of 2017 dated 27.09.2021) and 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).

9. In the light of the aforesaid judgments, the delay/inaction on the part of first respondent to proceed with the processing of the passport application of the petitioner is clearly erroneous and misconceived. Considering the aforesaid discussions and the judicial precedents, the first respondent/ the Regional Passport Officer is directed 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.

10. Accordingly, this Writ Petition is allowed. No costs.

15.02.2024



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Index : Yes / No

Speaking order/Non-speaking order

Neutral citations:Yes/No

msv

To

1. The Regional Passport Officer,
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