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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.4587 of 2024

Kailesh Raja Chelladurai

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
Coimbatore, First Floor,
Corporation Commercial Complex,
Opp. Thandumariamman Koil,
Avinashi Road, Coimbatore,
Tamil Nadu-641 018.

2. The Inspector of Police,
Madukkarai Police Station,
Coimbatore.

.... 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 petitioner's representation dated 20.12.2023, delivered to the 1st Respondent on 22.12.2023 and renew/reissue the petitioner's passport based on his application No.CB1075422823323 within a time frame stipulated by this Court.



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For Petitioner : Mr.K.R.Samratt

For Respondents:Mr.B.Ramprabhu
for Mr.R.Subramaniam

Additional Central Government Standing Counsel – R1

Mr.R.Kishore Kumar (R2)
Government Advocate

ORDER

Mr.B.Ramprabhu, learned counsel on behalf of Mr.R.Subramaniam, learned Additional Central Government Standing Counsel accepts notice for R1/the Regional Passport Officer, Coimbatore and Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R2/Inspector of Police, Madukkarai Police Station, Coimbatore. 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 is a holder of passport bearing No.Z2225683 issued on 11.05.2011. It had expired on 10.05.2021. The petitioner had sought re-issue/renewal of the same online on 18.05.2023 vide file No.CB1075422823323. The application was received under acknowledgement on 01.06.2023.

3. There was a police verification conducted thereafter on 02.06.2023 when the petitioner had made a due disclosure of the FIR in Crime No.500 of



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2021 on the file of R2 for offences under Sections 147, 294(b), 427, 447 and 506(i) IPC.

4. Mr.Kishore would confirm that the matter is under investigation and no charge sheet has been filed till date. An adverse police verification report was sent to R1 with the details of the pending FIR, as a result of which, the petitioner has received a show cause notice on 02.08.2023 calling for explanation from the petitioner, and also referring to an earlier communication dated 11.07.2023.

5. The petitioner has filed a reply on 20.12.2023, which has been received by the first respondent on 22.12.2023 (acknowledgment card is placed at page 26 of the typed set of papers). The explanation tendered is that mere pendency of an FIR would not stand in the way of renewal/re-issue of passport and thus the authority must proceed to issue the same as requested.

6. In light of there being no progress in the matter, the present Writ Petition has been filed seeking a mandamus directing R1 to consider the petitioner's reply and process the application of the petitioner for re-issue of passport.

7. The settled position of law in regard to whether the passport may be re-issued even during the pendency of FIR is set out in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation* (Criminal Appeal No.1342 of



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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).

8. The aforesaid decisions categorically reinforce the position that mere pendency of an FIR would not militate against re-issue/renewal of passport. Since the petitioner has also made a due disclosure about the pendency of FIR at the time of police verification, there is no suppression of information per se.

9. In light of the above, the petitioner will appear before the first respondent on any working day between 27.02.2024 and 01.03.2024, between 10.30. a.m. and 04.30 p.m. without expecting any further notice in this regard.

10. Mandamus is issued to R1 to hear the petitioner, consider the explanation, if any, submitted and pass orders on the application of the petitioner within a period of two (2) weeks from date when the petitioner presents himself before the authority, in accordance with law and bearing in mind the settled position of law as stated in the paragraphs supra.



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

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Index : Yes / No

Speaking order

Neutral citations:Yes

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To

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Dr.ANITA SUMANTH,J.



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