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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.5079 of 2024

Neethimannan

... Petitioner

Vs

1.Regional Passport Officer,
Passport Office,
Flat No.A5, Salai Road,
And Shastri Road Junction,
Thillai Nagar,
Trichirapalli – 620 001

2.Inspector of Police,
Thittagudi Police Station,
Cuddalore 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 consider the Passport Application of the petitioner submitted on 29.11.2023 in Application Reference No.TR 5066012755323 to First respondent and issue a passport to the petitioner in accordance with law.

For Petitioner : Mr.J.Jayasuriya

For Respondents : Mr.R.Siddharth (R1)
Central Government Standing Counsel
Mr.V.Meghanathan (R2)
Government Advocate



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ORDER

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Mr.R.Siddharth, learned Central Government Standing Counsel accepts notice for R1/the Regional Passport Officer, Trichirappalli and Mr.V.Meghanathan, learned Government Advocate accepts notice for R2/Inspector of Police, Thittagudi Police Station, Cuddalore District. 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 claims to be a practising Advocate in Cuddalore. He had applied for issuance of passport vide application No.TR5066012755323 dated 29.11.2023. The affidavit makes a due disclosure about the cases registered against him by R2 in Crime No.426 of 2021 for the offence under Section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 on 28.11.2021 for the reason that there had been a banner put up in his village when he had enrolled as an Advocate in the year 2021.

3. Learned counsel for R2 confirms that there has been no traction qua the FIR and no charge sheet has been filed as on date.

4. Adverse police verification report had been sent, as a result, R1 had vide letter dated 05.12.2023 called upon the petitioner to appear in person on 07.12.2023. The petitioner had also appeared and had explained the details of



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the FIR to R1, despite which, there has been no action till date for issuance of passport. Hence, this Writ Petition seeking a mandamus directing R1 to issue passport expeditiously.

5. The settled position of law in regard to the issuance/renewal or otherwise of the passport in cases where FIR/criminal case is pending has been set out by the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation* (Criminal Appeal No.1342 of 2017 dated 27.09.2021). This view has been followed by different Court including 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. Hence, there is no justification in R1 holding on to the application of the petitioner from 29.11.2023 without taking a stand in regard to the same. It is relevant to note that in the show cause notice there is no other allegation against the petitioner except the pendency of FIR, which, as per the cases cited aforesaid, does not stand in the way of the petitioner's entitlement to a passport.



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7. In light of the above, this Writ Petition is disposed directing R1 to

process the application of the petitioner and issue passport to the petitioner in

DR.ANITA SUMANTH,J.

line with the settled position of law as stated in the paragraphs supra, within a period of four (4) weeks from today. No costs. Connected Miscellaneous Petition is closed.

29.02.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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To

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