



W.P.No.5233 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

WEB COPY

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.5233 of 2024

N.Sasikumar

.... Petitioner

Vs

1.The Regional Passport Officer
Regional Passport Office
New Municipal Complex
Thillai Nagar, 7th Cross
Thiruchirapalli – 620 018

2.The Inspector of Police
Kunnam Police Station
Perambalur District

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the application in TR2065114007323 dated 27/02/2023 for the issuance of the Passport notwithstanding the pendency of case in Crime No.383/2018, on the file of the second respondent.

For Petitioner : Mr.S.Kamadevan
For Respondents : Mr.Veeramani (R1)
Mr.Meghanathan (R2)
Government Advocate



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ORDER

Read this order in continuation and in conjunction with order

dated 01.03.2024 that reads as follows:-

Mr.Meghanathan, learned Government Advocate accepts notice for R2 and seeks some time to obtain instructions and file a counter.

2. *Notice through Court as well as privately to R1, returnable 26.03.2024. Proof of service be placed on file.*

3. *Mr.Meghanathan states that a charge sheet has been laid, which is neither numbered nor taken on file as yet.*

4. *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 Surpeme 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 Courts 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 courts 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).*

5. *Hence, even pending Writ Petition, R1 is at liberty to call upon the petitioner, hear him and take a decision on the application of the petitioner for issuance of passport notwithstanding the pendency of Crime No.383 of 2018 on the file of R2, prior to the next date of hearing.*

6. *List on 26.03.2024 at the end of admission list. Written instructions/ counter by then with an advance copy served upon the*



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petitioner.

2. Mr.Kamadevan, learned counsel for the petitioner states that after the previous hearing, there has been some traction in the matter. The petitioner has been called for by the first respondent and has been duly heard. The petitioner expects that the passport will be issued at an early date.

3. Hence, there is no necessity to keep this Writ Petition pending and recording the aforesaid, this Writ Petition is closed. No costs.

26.03.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
sl

To

1.The Regional Passport Officer
Regional Passport Office
New Municipal Complex
Thillai Nagar, 7th Cross
Thiruchirapalli – 620 018

2.The Inspector of Police
Kunnam Police Station
Perambalur District



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Dr.ANITA SUMANTH,J.

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