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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.03.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.6257 of 2024

S.Premkumar

... Petitioner

Vs

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

2.The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai 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 his Application No.TR7076177830924 dated 19.01.2024, within the time limit.

For Petitioner : Mr.K.Dhivyashree

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



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ORDER

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Mr.V.Ashok Kumar, 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, Anaikaranchathiram Police Station, Mayiladuthurai 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 had been issued a passport on 25.04.2014 bearing No.L8706072. An FIR had been registered against the petitioner by R2 for alleged offences under Sections 379 and 430 of IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.790 of 2020.

3. Mr.Meganathan confirms that the matter is still at FIR stage and no charge sheet has been filed.

4. The petitioner had sought re-issue of passport on 19.01.2024, as the original passport was due to expire on 24.04.2024. In response, the petitioner had received a show cause notice dated 05.02.2024 referring to the adverse police report on account of the pendency of FIR and calling for explanation and



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Court order. The first respondent also extends a hearing in person to the petitioner between 9.30 a.m. and 12.00 noon on all working days.

5. The petitioner states that a reply has been sent on 19.02.2024. There is an acknowledgement of receipt by way of a postal track placed at page 25 of the typed set of papers. The petitioner further relies upon GSR No.570(E), Ministry of External Affairs dated 25.08.1993 and on orders passed by the Writ Court to the effect that pendency of criminal case or FIR is not a bar for issuance of passport.

6. 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 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) among several other orders.

7. In light of the aforesaid, let the petitioner appear before R1 on any day between 11.03.2024 and 15.03.2024 between 9.30 a.m. and 12.00 noon with a copy of the reply stated to have been sent on 19.02.2024.



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Dr.ANITA SUMANTH,J.

WEB COPY 8. R1 will hear the petitioner, consider the reply and take a decision on the question of issue/re-issue of passport to the petitioner, having regard to the settled position of law in this regard, within a period of four (4) weeks from the date when the petitioner presents himself before him.

9. This writ Petition is disposed in the aforesaid terms. No costs.

08.03.2024

Index : Yes / No

Speaking order/Non-speaking order

Neutral citations:Yes/No

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To

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