



W.P.No.25757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.25757 of 2024

S.Balaji

..Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government, Home Department,
Fort St.George,
Chennai – 600 009.
2. The Inspector of Police,
Mangalamedu P.S,
Perambalur Dist.
3. The Regional Passport Officer,
Thiruchirapalli,
Municipal Water Tank Building,
W.B.Road,
Thiruchirapalli – 620 008.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to consider and pass orders on the petitioner's explanation dated 10.08.2023 for the letter Ref.Rem/315418419/2023 dated 02.08.2023 consequently direct the third respondent to issue passport to the



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petitioner in accordance with law.

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For Petitioner : Mr.T.Dharani
For Respondents : Mr.L.Baskaran, GA for R2
Mr.Yokesh Kannadasan, Spl.GP for R1
Mr.P.Sidharth, CGSC for R3

ORDER

This writ petition has been filed seeking to pass orders on the petitioner's explanation dated 10.08.2023 for the letter Ref.Rem/315418419/2023 dated 02.08.2023 and consequently direct the third respondent to issue passport to the petitioner in accordance with law.

2. It is the case of the petitioner that he has made an application dated 22.02.2023 before the third respondent seeking issuance of passport. However, the third respondent vide letter dated 13.03.2024 issued a show cause notice stating that they had received an adverse report and they also stated that the passport cannot be granted unless the petitioner obtains an order from the Court. Since the third respondent vide letter dated 02.08.2023 sought explanation from the petitioner, he has submitted an explanation before the third respondent on 10.08.2023. Even thereafter, the third respondent has not considered said explanation. Hence, the present



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writ petition.

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3. Though very many grounds have been raised in the present writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondent to consider the petitioner's explanation dated 10.08.2023 and to consequently direct the third respondent to issue passport in accordance with law.

4. Heard the learned Special Government Pleader appearing for the first respondent, the learned Government Advocate appearing for the second respondent and the learned Central Government standing counsel appearing for the third respondent and perused the materials placed on record.

5. Admittedly, the petitioner made an application before the third respondent seeking issuance of passport on 22.02.2023. In pursuance of the show cause notice issued by the third respondent with regard to a criminal case pending as against the petitioner, the petitioner's claim seeking issuance of passport was rejected by the third respondent on the ground to



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obtain an order from the Court. Subsequently, the third respondent vide letter dated 02.08.2023 has sought explanation from the petitioner with regard to the negative report. Though, the petitioner claims that he has submitted an explanation in writing to the third respondent on 10.08.2023, however, there is no proof that the third respondent has received the said explanation. In the absence of any such proof, this Court cannot issue a direction to the third respondent to consider the petitioner's explanation. Hence, the prayer sought for in this writ petition cannot be granted.

6. Accordingly, this writ petition is dismissed with liberty to the petitioner to make a fresh application before the appropriate authority in the manner known to law. No costs.

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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To:

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M.DHANDAPANI, J.



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