



W.P.No.33027 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.33027 of 2024

Tamilmani Ramachandiran

...Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Royala Towers No.2 & 3, IV Floor,
158/785, Anna Salai, Chennai - 600 002.

2. The Inspector of Police,
Vadavanakkabadi Police Station,
Vadavanakkabadi, Thiruvannamalai.
(Crime No.1412 of 2020)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to issue passport to the petitioner herein based on his TATKKAL application in file No.MA1064939145123 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.G.Saravanan
For R1 : Mr.K.Ramanamoorthy
Central Government Counsel
For R2 : Mr.L.Baskaran,
Government Advocate (Crl.Side)

ORDER

The petitioner herein seeks a direction to the first respondent to issue passport to the petitioner based on his TATKKAL application in file No.MA1064939145123 within a stipulated time fixed by this Court.

2. It is the case of the petitioner that he applied for issuance of Tatkaal passport on 31.12.2022 and the same has not been processed by the first respondent till date. Therefore, the petitioner is before this Court.

3. Mr.K.Ramanamoorthy, learned Central Government Counsel, who takes notice for the first respondent would submit that the first respondent issued a show cause notice to the petitioner on 15.01.2023, regarding the adverse report received from the police and the petitioner has not submitted any explanation. Therefore, his application has not been processed till date.



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4. Mr.L.Baskaran, learned Government Advocate, who takes notice for the second respondent by relying on the status report dated 05.11.2024 submits that a criminal case is pending against the petitioner, on the file of second respondent, for the offences under sections 294(b), 506(2), 147, 148, 352, 453 IPC, r/w 3 (1) of TNPPDL Act. It is further submitted that the investigation is over and charge sheet has been filed before the learned Judicial Magistrate, Vandavasi *vide* e-filing No.202400108 dated 06.09.2024. However, the same is not taken on file till date.

5. It is settled law mere pendency of FIR is not a ground to refuse issue of passport. Even as per status report submitted by second respondent charge sheet was filed before jurisdictional Magistrate and the same is not taken on file till date. Therefore, it cannot be said proceeding is pending before a criminal Court in India within the meaning of Section 6(2) (f) of passport Act.

6. In the light of the submission made by the learned counsel appearing for the respondents 1 and 2, this Court is inclined to direct the petitioner to



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submit the explanation to the show cause notice issued by the first respondent dated 15.01.2023 within a period of three days from the date of receipt of copy of this order. The first respondent shall consider the application submitted by the petitioner seeking issuance of passport in the light of the explanation submitted by the petitioner and pass final order on it's own merits, within a period of two weeks thereafter.

7. With the above direction, this Writ Petition is disposed of.

No costs.

05.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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