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W.P.No.34436 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.34436 of 2024**

P.Balaji

... Petitioner

VS.

1.The Union of India,  
Represented by its Secretary,  
Ministry of External Affairs,  
New Delhi – 110 001.

2.The Regional Passport Office,  
Chennai Royala Towers,  
No.2 and 3, 4<sup>th</sup> Floor,  
Old No.785, New No.158,  
Anna Salai, Chennai – 600 002.

3.The Inspector of Police,  
Thiruppalaivanam Police Station,  
Ponneri Taluk, Thiruvallur District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2<sup>nd</sup> Respondent herein to consider and decide the passport application of the petitioner on 26.03.2024 being its Application Reference No.24-1003949251 with File Number MA1066394511524 dated 26.03.2024 for issuance of passport in



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accordance with law within a time frame as may be fixed by this Court.

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For Petitioner : Mr.Dev Eshwaar  
For R1 and R2 : Mr.G.Baskaran  
Central Government Standing Counsel  
For R3 : Mr.L.Baskaran  
Government Advocate (Crl.Side)

### **ORDER**

The petitioner herein seeks a direction to the 2<sup>nd</sup> respondent to consider and decide the Passport Application of the petitioner dated 26.03.2024 in Application Reference No.24-1003949251 with File No. MA1066394511524 and issue passport in accordance with law, within a time frame fixed by this Court.

2. It is the case of the petitioner that he applied for issuance of passport before the 2<sup>nd</sup> respondent on 26.03.2024. Thereafter, the 2<sup>nd</sup> respondent sent a notice to the petitioner on 17.04.2024 calling for explanation from the petitioner with regard to the adverse police verification report. The petitioner submitted an explanation before the 2<sup>nd</sup> respondent on



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23.05.2024 stating that in all the three cases mentioned in the notice only FIR is pending and no final report has been filed against the petitioner. Even thereafter, the petitioner's application has not been processed. Therefore, the petitioner has come before this Court.

3. Mr.G.Baskaran, learned Central Government Standing Counsel takes notice for the respondents 1 and 2 and Mr.L.Baskaran, learned Government Advocate (Crl.Side) takes notice for the 3<sup>rd</sup> respondent.

4. The learned Government Advocate (Crl.Side) appearing for the 3<sup>rd</sup> respondent by referring to the Status Report filed by the 3<sup>rd</sup> respondent dated 25.11.2024, submitted that out of 3 FIRs pending on the file of the Thirupalaivanam Police Station, Ponneri Taluk, Thiruvallur District, investigation is pending in two cases namely Crime Nos.118/2022 and 131/2022. As far as 3<sup>rd</sup> case in Crime No.116/2019 is concerned, investigation is already completed and final report is filed before Judicial Magistrate, Ponneri. However, the charge sheet has not been taken on file. The said statement made by the learned Government Advocate (Crl.Side) appearing for the 3<sup>rd</sup> respondent is recorded.



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5. Therefore, it is clear as on today, the jurisdictional Magistrate has not taken cognizance of the final report filed by the 3<sup>rd</sup> respondent in respect of one case. In respect of other two cases, investigation is pending in FIR stage. In such circumstances, no criminal proceedings are pending against the petitioner in a Criminal Court within the meaning of Section 6(2)(f) of the Passports Act, 1967. Therefore, there may not be any impediment for the 2<sup>nd</sup> respondent to process the application filed by the petitioner.

6. Accordingly, the Writ Petition is disposed of with a direction to the 2<sup>nd</sup> respondent to process the application submitted by the petitioner for issue of passport in Application Reference No.24-1003949251 with File No. MA1066394511524, dated 26.03.2024 and pass final orders on its own merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order. No costs.

**27.11.2024**

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



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To

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**S.SOUNTHAR, J.**

dm

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