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W.P.No.33489 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.11.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.33489 of 2024

A.Boobalan

...Petitioner

Vs.

1. The Regional Passport Officer
Regional Passport Office
New Municipal Complex
Thillanagar, 7th cross
Tiruchirappalli-620 018.

2. The Inspector of Police
Sirkazhi Police Station,
Mayiladuthurai District

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st Respondent to issue a passport to the petitioner, by considering his application bearing Reference (ARN) No. 24-1008420901, which was submitted on 03.07.2024, within the time limit to be stipulated by this Court.

For Petitioner
For Respondents

: Mr.M.Vijaya Ragavan
: Mr. R.K.Gandhi for R1
Standing Counsel
Mr.L.Baskaran for R2
Government Advocate (Crl.side)



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ORDER

The petitioner herein seeks a direction to 1st respondent to issue passport by considering his passport application in Reference (ARN) No. 24-1008420901 submitted on 03.07.2024 within a time stipulated by this Court.

2. It is the case of the petitioner that he submitted an application for issue of passport on 03.07.2024 and the same has not been processed by the 1st respondent mainly on the ground that a criminal investigation is pending against the petitioner in Crime No.1216 of 2020 on the file of 2nd respondent. The learned counsel for the petitioner submits that mere pendency of investigation is not a ground to refuse passport and hence, the 1st respondent may be directed to issue passport to the petitioner.

3. Mr. R.K.Gandhi, learned Standing Counsel takes notice for the 1st respondent.



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4. Mr.L.Baskaran, learned Government Advocate (Crl.side), who is taking notice for the 2nd respondent filed his status report stating that a criminal investigation is pending against the petitioner in Crime No.1216 of 2020 on the file of 2nd respondent under Sections 294(b), 147, 188, 269, 270, 353 of IPC.

5. A perusal of the status report filed by the 2nd respondent would indicate that criminal investigation is pending from the year 2020 and till date no charge sheet has been filed against the petitioner. It is settled law that mere pendency of criminal investigation is not a ground to refuse passport. As on today, there is no material to suggest any proceedings is pending against the petitioner in a Criminal Court. In such circumstances, there may not be any impediment for the respondents to process the application submitted by the petitioner in accordance with law.

6. In view of the same, without going into the merits of the claim made by the petitioner, the 1st respondent is directed to process the application filed



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by the petitioner for issue of passport in Reference No. (ARN) No. 24-1008420901 dated 03.07.2024 and pass final orders on its' own merits within a period of six weeks from the date of receipt of copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs.

19.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

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Regional Passport Office
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Thillanagar, 7th cross
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S.SOUNTHAR, J.
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