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W.P.No.34831 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.34831 of 2024

Manikandan
...Petitioner

Vs.

1. Regional Passport Officer,
Regional Passport Office,
Trichirapalli New Municipal Complex,
Thillai Nagar, 7th Cross,
Trichirapalli - 620 018.
 2. Inspector of Police,
Thittagudi Police Station,
Cuddalore District. Crime No.28 of 2024.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the Passport Application of the petitioner submitted on 08.10.2024, in reference to Passport Application Number TR-2077004146324, dated 08.10.2024, to first respondent and issue a New Passport to the petitioner in accordance with law.

For Petitioner	: Mr.M.Velmurugan
For R1	: Mr.Aveeramani
	Central Government Standing Counsel



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W.P.No.34831 of 2024

For R2

: Mr.L.Baskaran

Government Advocate (Crl.Side)

ORDER

The petitioner herein seeks a direction to the respondent to consider his Passport Application 08.10.2024 in Passport Application Number TR-2077004146324, dated 08.10.2024, to first respondent and issue a New Passport to the petitioner in accordance with law.

2. It is the case of the petitioner that he applied for a new passport on 08.10.2024 and the same has not been considered by the first respondent. Later, the petitioner was served with the notice from the first respondent on 23.10.2024, directing him to give explanation on the adverse police report issued by the second respondent.

3. The learned counsel appearing for the petitioner submits that an FIR is pending in the name of the petitioner on the file of the second respondent under Section 9 of the Child Marriage Act r/w 5(I), 5(j)(ii), 6 & 17 of POCSO Act and under section 344 of IPC and charge sheet has been filed in that case and the same is not yet taken on file. In the said circumstances, the learned



W.P.No.34831 of 2024

counsel submits that the first respondent shall be directed to process the application of the petitioner.

4. The first respondent has filed his counter stating that the petitioner has not submitted his explanation for the show cause notice issued by the first respondent.

5. The second respondent, in his status report, would submit that the FIR in Crime No. 28 of 2024 for the offences under Section 9 of Child Marriage Act r/w 5(I), 5(j)(ii) , 6 & 17 of POCSO Act r/w Section 344 of IPC is pending on the file of the second respondent.

6. It is also stated by the counsel for the second respondent that the investigation in the above case was already completed and charge sheet was filed before the Special Court for exclusive trial of cases under POCSO Act, Cuddalore on 30.04.2024 and the same is not yet taken on file.

7. In view of the status report filed by the second respondent that charge sheet was already filed before the concerned Court and the same is also not



W.P.No.34831 of 2024

taken on file, no criminal proceedings is pending before a criminal Court in India within the meaning of Section 6 (2) (f) of the Passport Act.

8. In such circumstances, there may not be any impediment for the first respondent to process the application of the petitioner. Since the learned counsel for the first respondent submitted that the petitioner failed to give explanation for the show cause notice, the petitioner is directed to submit his explanation to the show cause notice issued by the first respondent dated 23.10.2024 within a period of two weeks from the date of receipt of copy of this order. The first respondent shall consider the explanation of the petitioner and pass final orders, on its own merits, in accordance with law, within a period of four weeks thereafter.

9. With the above direction, this Writ Petition is disposed of. No costs.

29.11.2024

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



W.P.No.34831 of 2024

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To

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2. The Inspector of Police,
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S. SOUNTHAR, J.

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W.P No.34831 of 2024

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