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W.P.No.36580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36580 of 2024

Dinesh Rathinam

... Petitioner

VS.

1. The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers 2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002,
Tamil Nadu.
2. The Inspector of Police,
Madhavaram Police Station,
Kolathur, Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's application for renewal the passport (M7407471) in file No.MAA076931543324 dated 12.09.2024, which is pending before the first respondent, within a stipulated time as fixed by this Court.

For Petitioner	: Mr.Krishnasamy Chinnasamy
For R1	: Mr.G.Baskaran Central Government Standing Counsel
For R2	: Mr.L.Baskaran, Government Advocate (Crl.Side)



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ORDER

The petitioner herein seeks a direction to the first respondent to consider his application for renewal of passport (M7407471) in file No.MAA076931543324 dated 12.09.2024 within a stipulated time fixed by this Court.

2. It is the case of the petitioner that his passport is due to expire on 05.03.2025 and therefore, he submitted an application for renewal of the passport before the first respondent. He received a notice from the first respondent on 25.09.2024 seeking clarification regarding adverse police report. Since the petitioner's application for renewal has not been considered till date, the petitioner has come before this Court.

3. Mr.G.Baskaran, learned Central Government Standing Counsel, takes notice for the first respondent and Mr.L.Baskaran, learned Government Advocate takes notice for the second respondent.



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WEB COPY 4. Mr.L.Baskaran, learned Government Advocate, who takes notice for the second respondent by relying on the status report dated 29.11.2024 submits that a criminal case is pending against the petitioner, on the file of second respondent, in Crime No.625/2023 under sections 294(b), 323, IPC read with section 4 of TNPHW Act. It is further submitted that investigation is over and charge sheet has been filed before the learned Judicial Magistrate, Madhavaram *vide* e-filing No.LTN202300013 19C202400370. However, the same is not taken on file till date.

5. It is a settled law that mere pendency of FIR is not a ground to refuse issue of passport. Even as per status report submitted by the second respondent, charge sheet was filed before the Jurisdictional Magistrate and the same is not taken on file, till date. Hence, as on today, no proceedings is pending against the petitioner before a criminal Court in India within the meaning of Section 6(2)(f) of Passport Act. Therefore, there is no impediment for the first respondent to process the application submitted by the petitioner.



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6. In the light of the submission made by the learned Government Advocate appearing for the respondents 1 and 2, this Court is inclined to direct the petitioner to submit his explanation to the notice issued by the first respondent dated 25.09.2024 within a period of two weeks 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 four weeks from the date of submission of explanation of the petitioner.

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

No costs.

02.12.2024

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

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