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W.P.No.35707 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.35707 of 2024

Deepa Chinnappa

...Petitioner

Vs.

1. The Regional Passport Officer
Regional Passport Office,
Ministry of External Affairs
Sasthri Bhavan
Nungambakkam,
Chennai-600 034.

2. The The Regional Passport Officer
Regional Passport Office,
Chennai Royala Towers
No.2 and 3, 4th floor,
Old No.785, New. No.158
Anna Salai, Chennai-600 002.

3. The Inspector of Police,
Avalur Police Station,
Ranipet District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to issue passport to the petitioner based on my application vide file

1/5



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W.P.No.35707 of 2024.

No.MAB066630003324 forthwith.

For Petitioner : Mr.M.R.Elavarasan
For respondents 1 & 2 : Mr.B.Ram Prabu
Central Government Standing Counsel
For respondent 3 : Mr.L.Baskaran
Government Advocate (Crl.side)

ORDER

The writ petition is filed seeking a direction to 2nd respondent to issue passport to the petitioner based on her application vide file No.MAB066630003324.

2. It is the case of the petitioner that she applied for issue of passport and 2nd respondent issued a notice on 19.06.2024 calling for explanation of the petitioner with regard to adverse police report received by him.

3. It is stated by the petitioner that criminal case is pending on the file of 3rd respondent in Crime No.118 of 2023 and the same is pending investigation. Therefore, there is no impediment for the respondents to process the application for issue of passport.



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4. Mr.B.Ram Prabu, 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 3rd respondent.

5. The learned Government Advocate (Crl.side) for the 3rd respondent on instructions submits that a criminal case is pending on the file of 3rd respondent in Crime No.118 of 2023 under Sections 143, 341 of IPC and investigation is already completed. It is also stated by the learned Government Advocate (Crl.side) that charge sheet is ready and the same has not filed before the Court.

6. In view of the specific stand taken by the learned Government Advocate (Crl.side) for the 3rd respondent, as on today no final report is filed and no cognizance is taken by the concerned court, it cannot be said that a criminal proceedings is pending against the petitioner before any Criminal Court within the meaning of Section 6(2)(f) of Passport Act. Therefore, there may not be any impediment for the respondents to consider the application submitted by the petitioner. Accordingly, the 2nd respondent is directed to



W.P.No.35707 of 2024.

process the passport application submitted by the petitioner vide file No.MAB066630003324 and pass final orders on its' own merits within a period of four weeks from the date of receipt of copy of this order.

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

02.12.2024

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

To

1. The Regional Passport Officer
Regional Passport Office,
Ministry of External Affairs
Sasthri Bhavan
Nungambakkam,
Chennai-600 034.

4/5



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W.P.No.35707 of 2024.

S.SOUNTHAR, J.

nr

2. The The Regional Passport Officer
Regional Passport Office,
Chennai Royala Towers
No.2 and 3, 4th floor,
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W.P No.35707 of 2024

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