



W.P.No.36125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated **03.12.2024**

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36125 of 2024

Poovaisezhiyan Thandavan

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Sastri Bhavan, Nungambakkam,
Chennai 600 034.
- 2.The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
New Municipal Complex,
7th Thillainagar, Tiruchirappalli 620 018.
- 3.The Inspector of Police,
Perambalur Police Station,
Perambalur District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the 2nd respondent to re-issue passport to the petitioner based on petitioner application vide file No. TR5076987015724 forthwith.



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For Petitioner : Mr.M.R.Elavarasan

For Respondents : Mr.N.Siva Bharathi,
Central Government Standing Counsel
for respondents 1 and 2

: Mr.L.Baskaran,
Government Advocate (Crl. Side)
for third respondent

ORDER

The writ petitioner seeks a direction to the second respondent to re-issue passport to the petitioner, based on his application, vide file No. TR5076987015724.

2. It is the case of the petitioner that, he was a former Member of Legislative Assembly in the Tamil Nadu State and he obtained a passport on 27.08.2014 bearing old Passport No.M1703527. The petitioner applied for re-issue of passport in file No. TR5076987015724 on 27.09.2024, however, his application was not processed on the ground that criminal case is pending against him. Hence he has come before this court.



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3. The learned counsel for the petitioner submitted that mere pendency of the First Information Report is not a ground to reject the application for issuing the passport and hence, he seeks direction to the first respondent to process the application of the petitioner.

4. Mr.N.Siva Bharathi, learned Central Government Standing Counsel takes notice for the first and second respondent; Mr.L.Baskaran, learned Government Advocate (Crl.Side) takes notice for the third respondent.

5. Learned Government Advocate (Crl.Side), who takes notice for the third respondent filed a status report of the third respondent dated 03.12.2024 before this court, wherein, it is stated that a criminal case in Crime No.158/2023 for the offences punishable under Sections 143, 341 IPC is pending against the petitioner. It is further stated that the investigation in the said case was already completed and final report was filed before the Judicial Magistrate-1, Perambalur District on 13.03.2023 and the same has not been taken cognizance, so far.



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6. Inview of the above said position, as on today, no criminal case is pending against the petitioner in any court, within the meaning of Section 6(2)(f) of the Passport Act. In such circumstance, there may not be any impediment for the first respondent to process the application filed by the petitioner for issuance of Passport.

7. Accordingly, the first respondent is directed to consider the application submitted by the petitioner for re-issuance of passport and process the same and pass final orders, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

03.12.2024

Index:Yes/No
Internet:Yes/No
mst



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To
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S.SOUNTHAR, J.

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