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W.P.No.37037 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.37037 of 2024

Sibibala

...Petitioner

Vs.

1. The Regional Passport Officer
Regional Passport Office/Passport Seva Kundra
Medical College Road,
Thanjavur District.

2. The Inspector of Police,
Nannilam Police Station,
Thiruvarur 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 consider and issue Passport in pursuant to petitioner Application reference No.24-1010100311 dated 11.08.2024 pending on the file of 1st respondent.

For Petitioner

: Mr.P.Muthamizh Selvakumar

For respondents

:M/s.R.Durga Rani for R1

Central Government Standing Counsel

Mr.L.Baskaran for R2

Government Advocate (Crl.side)

ORDER



W.P.No.37037 of 2024.

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By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to 1st respondent to consider his passport application vide reference No.24-1010100311 dated 11.08.2024.

3. The petitioner submitted application on 11.08.2024 seeking issue of passport. The 1st respondent issued a show cause notice on 30.09.2024 seeking explanation from the petitioner with regard to the adverse police report. Since the petitioner's application for issue of passport has not been processed, the petitioner has come before this Court.

4. M/s.R.Durga Rani, learned Central Government Standing Counsel, who takes notice for the 1st respondent, submits that petitioner failed to give any explanation for the show cause notice issued by the 1st respondent. Therefore, the application was not processed.



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5. Mr.L.Baskaran, learned Government Advocate (Crl.side), who takes notice for the 2nd respondent, filed a status report wherein it is stated that FIR is pending against the petitioner in Crime No.391 of 2022 for the offences under Sections 341, 294(b), 352, 506(1) of IPC` on the file of the 2nd respondent. It is further stated that investigation is completed and charge sheet is likely to be filed before the Judicial Magistrate Court No-I, Nannilam, Thiruvavur.

6. In view of the status report filed by the 2nd respondent, it is clear that as on today no criminal proceedings is pending against the petitioner before a Criminal Court in India within a meaning of Section 6(2)(f) of Passport Act. Therefore, there may not be any impediment for the 1st respondent to process the application submitted by the petitioner.

7.In view of the stand taken by the learned Central Government Standing Counsel for the 1st respondent that petitioner failed to respond to the show cause notice, the petitioner is directed to submit his explanation to the show cause notice issued by the 1st respondent within a period of two weeks



W.P.No.37037 of 2024.

from the date of receipt of copy of this order. The 1st respondent shall process the application filed by the petitioner for issue of passport and pass final orders on its' own merits within a period of four weeks from the date of submission of explanation by the petitioner.

8. With the above directions, the Writ Petition stands disposed of. No costs.

10.12.2024

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

To

4/6



W.P.No.37037 of 2021.

1. The Chairman
Tamil Nadu Generation and Distribution Corporation Limited
144, Anna Salai, Chennai-600 002.
2. The Chief Engineer
Non-Conventional Energy Sources
Tamil Nadu Generation and Distribution Corporation Limited
144, Anna Salai, Chennai-600 002.
3. The Director-Generation
Tamil Nadu Generation and Distribution Corporation Limited
144, Anna Salai, Chennai-600 002.
4. The Superintending Engineer
TANGEDCO, Dindigul Electricity Distribution Circle,
Dindigul-624 002.



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W.P.No.37037 of 2024.

S.SOUNTHAR, J.

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W.P No.37037 of 2024

10.12.2024