



W.P(MD)No.26417 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26417 of 2024

Ananthakumar

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Thirukoshtiyur Police Station,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner based on the petitioner's Passport File No.MD5066918611524, dated 09.09.2024.

For Petitioner : Mr.B.Veerapandi



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For Respondents : Mr.Senthil Kumar
Central Government Standing Counsel
for R.1

Mr.K.Gnana Sekaran
Government Advocate (Criminal Side)
for R.2

ORDER

Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent.

2.The petitioner made an application before the first respondent for issuance of passport in File No.MD5066918611524 dated 09.09.2024. The first respondent sent the petitioner's application to the second respondent for Police verification. On receipt of his application, the second respondent had sent adverse Police Verification Report against him to the first respondent that a criminal case in Crime No.107 of 2019 has been registered as against him on the file of the second respondent Police. Following which a clarification was required by the first respondent from the petitioner seeking explanation on the adverse Police



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Verification Report received as against him by the clarification dated 24.09.2024. On receipt of the same, the petitioner has promptly responded by submitting an explanation dated 05.10.2024 and the same has been received by the first respondent on 07.10.2024. Even thereafter the passport has not been issued to the petitioner. Hence, this Writ Petition came to be filed.

3.When the matter was taken up for hearing, learned Central Government Standing Counsel for the first respondent submitted that an FIR has been registered against the petitioner.

4.The learned Government Advocate (Criminal side), on instructions, submitted that the matter has culminated in filing final report on the file of PCR Court, Sivagangai in Spl.S.C.No.23 of 2020, however the petitioner's name has been deleted from the position of A.10 in the final report.

5.In view of the same, this Court considered the view that registration of FIR is not a bar for issuance of passport to an applicant



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and that too in the lis in hand the petitioner's name has already been deleted by the second respondent Police on the time of filing final report before the jurisdictional trial Court.

6.In view of the same, this Court hereby direct the first respondent to consider the petitioner's application in File No.MD5066918611524 dated 09.09.2024 and pass appropriate orders and issue passport to the petitioner if he is otherwise eligible.

7.This Writ Petition is disposed of accordingly. There shall be no order as to costs.

05.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road,
Madurai.

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2.The Inspector of Police,
Thirukoshtiyur Police Station,
Sivagangai District.



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L.VICTORIA GOWRI, J.

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