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W.P.No.5466 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5466 of 2025

N. Selvaganapathy

... Petitioner

Vs.

1. The Regional Passport Office,
Rayala Towers, No.2 and 3,
IV Floor, Old No.785,
158, Anna Salai, Triplicane,
Chennai 600 002.
2. The Inspector of Police,
Mappedu Police Station,
Tiruvallur District

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to issue the Passport to the petitioner by considering the petitioner's application No.MA3064921241322, dated 29.12.2022 as mentioned in the letter dated 22.02.2023 pending on the file of the first respondent.

For Petitioner : Mr. A. Anilan

For Respondents : Mr. A.Gopinath,
Government Advocate (Crl. Side)



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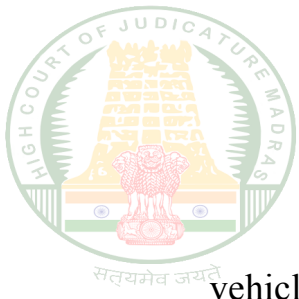
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ORDER

This Writ Petition has been filed seeking a direction to direct the 1st respondent to issue the Passport to the petitioner by considering the petitioner's application No.MA3064921241322, dated 29.12.2022 as mentioned in the letter dated 22.02.2023 pending on the file of the first respondent.

2. According to the petitioner, he had applied for issuance of passport before the 1st respondent vide his application dated 29.12.2022, however, his application was not considered on the ground that a criminal case has been pending against him in Crime No.272 of 2022 on the file of 2nd respondent police for the alleged offences under sections 379, 430 IPC, r/w.36(A) of MMDR Rules.

3. It is the case of the petitioner that he is the owner of the lorry bearing Regn.No.TN 38 BF 6162 and that he had rented his lorry to a company viz., Maraica Industries, Kottaiyur and the said company, without the knowledge of the petitioner herein, indulged the petitioner's



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vehicle for illegally transporting savudu sand. While so, it was captured by the respondent police, pursuant to which, an FIR has been registered in Cr.No.272 of 2022 by the 2nd respondent arraying the petitioner as 7th accused since, he being the owner of the offending vehicle.

4. It is the grievance of the petitioner that he was not directly connected with the said crime and he has been implicated in the case only on the basis as he was the owner of the vehicle. It is his further grievance that the said case has been pending for the past without any progress and the 2nd respondent had not filed any charge sheet till date. While applying passport, he had failed to disclose the same mistakenly and for the said mistake, the petitioner had also given his written explanation on 18.10.2024, however, the 1st respondent has been keeping the petitioner's application for issuance of passport pending, due to which, petitioner's career and avocation would be at stake, hence, left with no other alternative, he filed this writ petition seeking a direction to the 1st respondent to issue passport by considering his representation.



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5. Heard both sides and perused the materials available on record.

6. Without expressing any opinion on the merits of the matter, the 1st respondent is directed to consider the application of the petitioner seeking passport and dispose of the representation of the petitioner dt. 29.12.2022 within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

18.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order
msr

To

1. The Regional Passport Office,
Rayala Towers, No.2 and 3,
IV Floor, Old No.785,
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Chennai 600 002.



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2. The Inspector of Police,
Mappedu Police Station,
Tiruvallur District



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G.K.ILANTHIRAIYAN, J.

msr

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