



W.P.No.12058 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.12058 of 2025

GULAM NABI ASATH

... Petitioner

Vs

THE REGIONAL PASSPORT OFFICER,  
REGIONAL PASSPORT OFFICE,  
CHENNAI ROYALA TOWERS,  
NO. 2 & 3, IV FLOOR,  
OLD NO. 785, NEW NO. 158,  
ANNA SALAI, CHENNAI - 600 002.

... Respondent

**Prayer:** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent herein to issue a normal valid passport to the petitioner contemplated under the Passport Rules 1980, pursuant to the petitioner's application dated 21.01.2025 in file No. MA4067322291525.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.K.Venkatesan  
for Mr.P.Ayyaswamy  
Central Government Counsel



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## **ORDER**

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This writ petition is filed to issue a passport to the petitioner pursuant to his application bearing file No. MA4067322291525 dated 21.01.2025.

2. Upon hearing the learned counsel on either side and perusing the affidavit filed in support of the writ petition, it can be seen that the passport was not granted to the petitioner upon receipt of the adverse police report. It can be seen that a case in crime No. 844 of 2023 is pending against the petitioner for alleged offences under Section 4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 on the file of the Thirunavallur Police Station. The legal position has already been clarified by the Hon'ble Division Bench of the Court in ***Arumugam vs Regional Passport Officer (W.A(MD) No. 301 of 2018)***, and the said position is also clarified by the Government of India, which has stated that the pendency of the First Information Report (FIR) cannot be considered a criminal case for the purposes of the Passport Act.



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WEB COPY3. In view thereof, this writ petition is disposed of on the following terms:

(i) The respondent shall consider the application in File No. MA4067322291525 dated 21.01.2025 and issue a passport to the petitioner, de hors the pendency of the aforementioned First Information Report, if there are no other impediments.

(ii) The above exercise shall be completed within twelve weeks from the date of receipt of the web copy of this order, without waiting for the certified copy of the order.

(iii) It is made clear that if charges have been filed and the same have been taken on file, the petitioner has to seek permission from the concerned Court before leaving abroad. No costs.

04.04.2025

Neutral Citation: Yes/No  
nsl



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**D.BHARATHA CHAKRAVARTHY, J.**

nsi

To

THE REGIONAL PASSPORT OFFICER,  
REGIONAL PASSPORT OFFICE,  
CHENNAI ROYALA TOWERS,  
NO. 2 & 3, IV FLOOR,  
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