



W.P.No.39524 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39524 of 2024

R.Manikandan

... Petitioner

Vs.

1. The Union of India,
Rep. by its Principal Secretary to Government,
Ministry of External Affairs,
Shastri Bhavan, New Delhi.
2. The Regional Passport Officer,
Regional Passport Office,
Plot No.A5, Salai Road and Shastri Road Junction,
Thillai Nagar, Tiruchirapalli.
3. The Inspector of Police,
Tittagudi Police Station,
Cuddalore District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the second respondent to issue passport to the petitioner in accordance with law.



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For Petitioner : Mr.J.Pradeep
For Respondents : Mr. V.Ashok Kumar, Central Govt.Counsel
for respondents 1 and 2
Mr.L.Baskaran, Govt. Advocate (Crl.Side),
for third respondent

ORDER

The petitioner herein seeks a direction to the second respondent to issue passport to him in accordance with law.

2. It is the case of the petitioner that, he applied for Passport on 23.01.2023. Subsequently, the second respondent issued a show cause notice to the petitioner seeking explanation regarding the pendency of the criminal case against him. Since there was no response from the petitioner, the file has been closed and a communication to that effect has been sent to the petitioner by the second respondent on 14.02.2024. Thereafter, the petitioner again submitted a fresh application for issuance of passport on 17.10.2024 and the same has not been processed. Hence, he has come before this court.



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3. Mr.V.Ashok Kumar, learned Central Government Counsel takes notice for the first and second respondent and Mr.L.Baskaran, learned Government Advocate takes notice for the third respondent.

4. The learned Government Advocate appearing for the third respondent filed a status report stating that the third respondent police registered an FIR against the petitioner in Crime No.1293 of 2023. In the above said case, investigation was already completed and charge sheet was filed under Sections 147, 188, 285 IPC in e-filing No.STC.LTN20220002167C202500001 dated 03.01.2025 before the Judicial Magistrate, Tittagudi and the same is yet to be taken on file.

5. In view of the status report filed by the third respondent, it is clear that the charge sheet has not been taken cognizance by the concerned court and as on today, there is no criminal case pending against the petitioner before the court in India within the meaning of Section 6(2)(f) of Passport Act. In such circumstance, there may not be any impediment for the second respondent to process the application filed by the petitioner for issuing fresh Passport.



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6. Accordingly, the second respondent is directed to consider the application submitted by the petitioner for issuance of fresh passport and pass final orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

06.01.2025

Index:Yes/No
Internet:Yes/No
mst

To

1. The Principal Secretary to Government,
Union of India, Ministry of External Affairs,
Shasthri Bhavan, New Delhi.
2. The Regional Passport Officer,
Regional Passport Office,
Plot No.A5, Salai Road and Shastri Road Junction,
Thillai Nagar, Tiruchirapalli.
3. The Inspector of Police,
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S.SOUNTHAR, J.

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