

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.04.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) Nos.6396 & 6397 of 2018**

P.Durai Raj ... Petitioner in W.P.(MD) No.6396 of 2018

S.Andal ... Petitioner in W.P.(MD) No.6397 of 2018

vs.

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

2. The State
rep.by the Inspector of Police
Kadayam Police Station
Tirunelveli District
(Crime No.471 of 2013)

... Respondents in both W.Ps.

PRAYER (in W.P.(MD) No.6396 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to issue a Passport to him on the basis of his passport application file No.MD2069900150917, by according necessary permission for travelling abroad as expeditiously as possible, within a stipulated time.

PRAYER (in W.P.(MD) No.6397 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to issue a Passport to her on the basis of her passport application file No.MD2069900140917, by according necessary permission for travelling abroad as expeditiously as possible, within a stipulated time.

For Petitioner : Mr.R.Anand
(in both W.Ps)

For Respondents : Mr.V.Kathirvelu
(in both W.Ps) Addl. Solicitor General of India
assisted by Mr.Prabhu for R1
Mr.V.Anand
Government Advocate for R2



C O M M O N O R D E R

Since the reliefs sought for in both the writ petitions are identical in nature, they have been clubbed and heard together and are being disposed of by this common order.

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2. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3. In view of the pendency of C.C.No.169 of 2015, on the file of the learned Judicial Magistrate, Ambasamudram, against the petitioners herein, their applications for issuance of Passports have been kept pending by the first respondent.

4. Today (i.e.18.04.2018), when the matter was called, it is brought to the notice of this Court that the charge sheet in C.C.No.169 of 2015 has been challenged before this Court in CrI.O.P.(MD) No.1247 of 2016, in which an order of interim stay has been granted on 09.02.2016. It is submitted by the learned counsel for the petitioners that the order of interim stay is still in force.

5. It is now represented by the learned counsel for the petitioners that the petitioners intended to travel out of the country only for a period of three months and as such, if the validity of the Passports is restricted for a period of three months, they would be satisfied.

6. The Ministry of External Affairs, Government of India, in their notification in G.S.R.176(E), dated 25.08.1993, has enabled the persons, who are similarly placed like the petitioners herein, to leave the country after obtaining necessary orders from the Court concerned and in Clause (d) of the said notification, it has been stated that the person, who intended to leave the country, shall give an undertaking in writing to the Passport Authority that he shall appear before the concerned Court at any time during the continuance in force of the Passport so issued.

7. In view of the interim stay granted by this Court in CrI.O.P.(MD) No.1247 of 2016, on 09.02.2016, there cannot be any impediment for the respondents in permitting the petitioners herein to leave the country for a specified period. Hence, the petitioners herein are granted liberty to approach the first respondent herein with an affidavit of undertaking that they will return to the country within a period of three months from the date on which they leave the country. On receipt of such an affidavit of undertaking, the first respondent herein shall take positive steps to issue Passports to the petitioners herein based on their applications in MD2069900150917 and MD2069900140917, within a period of two weeks from the date of receipt of such an



affidavit of undertaking from the petitioners.

8. With the above directions, the writ petitions stand allowed. No costs.

Sd/-

Assistant Registrar(CO)

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/True Copy/

Sub Assistant Registrar

To:

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

2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

+ 1 cc TO Mr.R.Anand , Advocate in SR No. 62247
+ 1 cc TO Mr.K.Prabhu , Advocate in SR No. 62262
+ 1 cc TO The Special Government Pleader in SR No. 59025

krk

AE/KKR/SAR1/28.04.2018/3P/6C

W.P. (MD) Nos.6396 & 6397 of 2018
18.04.2018