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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2021**

CORAM:
THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**
W.P.[MD].No.9293 of 2021

S.Sujatha Nayagam ... Petitioner

Vs.

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

2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District. ...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent letter dated 16.04.2021 and quash the same and consequently directing the 1st respondent to process the application No.MD1073318534521 of the petitioner, for re-issuance of passport to the petitioner within the time fixed by this Court.

For Petitioner : Mr.K.Guhan

For Respondents : M/s.L.Victoria Gowri
ASGI for R1
Mr.D.Ghandi Raj,
Special Government Pleader for R2

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus questioning the order dated 16.04.2021 of the first respondent, who issued a notice with respect to adverse information received from the Police.

2. The petitioner is said to have applied for re-issuance of the passport and an application has also been filed on 11.03.2021 by her. She was given an appointment at about 02.15 p.m., to appear before the first respondent. At that point of time, it came to knowledge that the petitioner was involved in Crime Nos.451 & 452 of

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2017 for the alleged offences punishable under Sections 143, 188, 341 IPC, which had been registered by the second respondent/Inspector of Police, Colachel Police Station, Kanyakumari District.

3. I am informed by the learned counsel for the first respondent that Crime No.452 of 2017 is under consideration before the Judicial Magistrate, Eraniel, which was taken on file in S.T.C.No.736 of 2019. However, this Court is not inclined to discuss the merits of the above said crime No.452 of 2017, in which, the petitioner has been arrayed as accused. It is obvious that the petitioner had not appeared before the learned Judicial Magistrate, Eraniel. The petitioner has to appear before the learned Judicial Magistrate, Eraniel.

4. The petitioner has claimed that she has no intention to go abroad. Pendency of the said S.T.C.No.736 of 2019 may not be bar in itself for grant of re-issuance of passport of the petitioner. Therefore, the petitioner must first appear before the learned Judicial Magistrate, Eraniel in S.T.C.No.736 of 2019, and regularize her appearance and thereafter, simultaneously urge upon the first respondent to re-issue the passport.

5. A direction is given to the first respondent to re-issue the passport of the petitioner within a period of Sixteen weeks from the date of receipt of a copy of this order. The first respondent may ensure that whether the petitioner had actually appeared before the trial Court in S.T.C.No.736 of 2019.

6. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

To

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

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2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

COPY TO:

The Judicial Magistrate,
Eraniel, Kanyakumari District.

+1 CC to M/s.K.GUHAN, Advocate (SR-37546[F] dated 07/12/2021)

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06.12.2021

RD(29.12.2021) 3P 5C

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