



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .No.18548 of 2021

WEB COPY

Nizamuddin

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Madurai Bharath ula Veethi,
Race Course Road,
Madurai-625002.

2.The Superintendent Enquiry Officer,
The Regional Passport Office,
Madurai Bharath ula Veethi,
Race Course Road,
Madurai-625002.

3.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

...Respondents

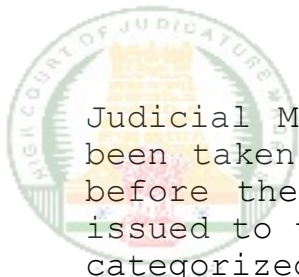
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to reissue passport on petitioner's Application No.ARN19-1008469789, based on the representation of the petitioner, dated 20.09.2021.

For Petitioner	: Mr.M.Nagoor Moideen
For R1 & R2	: Mr.K.Ashok Kumar Ram Standing Counsel
For R3	: Mr.S.Kameswaran Government Advocate

ORDER

The petitioner had applied for a passport on 05.09.2019. A letter seeking clarification was issued by the first respondent on 17.09.2019. The petitioner did not appear to give the necessary clarifications. Thereafter, closure notice was issued on 15.02.2020. The petitioner did not again appear. The application of the petitioner was closed.

2.It is also informed that FIR in Crime No.19 of 2017, had been registered under Section 399 IPC as against the petitioner. Subsequent to investigation, final report had been filed before the



Judicial Magistrate of Ilayangudi at 01.02.2017 and the matter had been taken cognizance as C.C.No.42 of 2017 and the trial is pending before the said Judicial Magistrate, Ilayangudi. Summons had been issued to the accused, but the petitioner did not appear. He is now categorized as an absconding accused.

WEB COPY

3. In these circumstances it is practically impossible for the first respondent to examine any application filed by the petitioner.

4. The petitioner is therefore directed to first appear during the trial before the Judicial Magistrate Court, Ilayangudi and await orders to be passed on conclusion of trial by the Judicial Magistrate, Ilayangudi and thereafter, necessarily will have to make a fresh application for issuance of passport. The earlier application has been closed and that cannot be reopened. A fresh application alone has to be filed by the petitioner. In the fresh application, the petitioner may disclose all details about C.C.No.42 of 2017, which is now pending on the file of the Judicial Magistrate, Ilayangudi. When such application is filed the first respondent may take appropriate decision in manner known to law.

5. Recording the same, since, the relief cannot be granted, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judicial Magistrate,
Ilayangudi.
2. The Regional Passport Officer,
The Regional Passport Office,
Madurai Bharath ula Veethi,
Race Course Road,
Madurai-625002.



3.The Superintendent Enquiry Officer,
The Regional Passport Office,
Madurai Bharath ula Veethi,
Race Course Road,
Madurai-625002.

4.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

+1 CC to M/s.K.ASOK KUMAR RAM, Advocate (SR-39100[F]
dated 16/12/2021)

+1 CC to M/s.SPL GP (SR-39032[F] dated 16/12/2021)

W.P(MD) .No.18548 of 2021
15.12.2021

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