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W.P.No.9503 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.9503 of 2022

Periyasamy

... Petitioner

vs.

1 Regional Passport officer
Chennai Royala Towers No.2 and 3 IV Floor
Old No. 785 New No.158 Anna Salai
Chennai - 600 002.

2 The Inspector of Police
Ramanatham Police Station,
Cuddalore District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the first respondent to consider the application of the Petitioner dated 26.11.2021 in consonance with the explanation submitted by the Petitioner on 05.01.2022 and pass an appropriate orders in accordance with law.

For Petitioners

: Mr.M.Velmurugan

For Respondent 1

: Mr.E.Perambur Palani,
Central Government Standing Counsel

For Respondent 2

: Mr.B.Vijay
Additional Government Pleader



ORDER

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This writ petition has been filed for a mandamus seeking for a direction to the respondents to pass final orders on the petitioner's passport renewal application within a time frame to be fixed by this court.

2. The petitioner has applied for renewal of his passport on 26.11.2021. He has also given an explanation to the first respondent with regard to the pendency of the criminal case against him. According to him, despite the same, till date his application seeking for renewal of passport has not been considered by the first respondent. In such circumstances, he has filed this writ petition.

3. A counter affidavit has been filed by the first respondent stating that a criminal case is pending against the petitioner under section 147, 148, 294(b), 448, 427, 324, 506(ii) IPC in C.C.No.89 of 2021 before the Judicial Magistrate, Thittagudi, Cuddalore and that is the reason for not considering the petitioner's application seeking for renewal of passport.



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4. Heard Mr.M.Velmurugan, learned counsel for the petitioner, Mr.E.Perambur Palani, learned Central Government Standing Counsel appearing for the first respondent and Mr.B.Vijay, learned Additional Government Pleader appearing for the second respondent.

5. Since the charge sheet has been taken cognizance of by the learned Judicial Magistrate, Thittagudi in C.C.No.89 of 2021, the petitioner will have to necessarily approach the concerned Judicial Magistrate seeking permission to get his passport renewed.

6. Learned counsel for the petitioner would submit that though the petitioner is not involved in any of the alleged offence and has not received any summons from the concerned Judicial Magistrate Court, the petitioner is willing to approach the said Judicial Magistrate seeking permission to obtain renewal of his passport from the first respondent. The said statement is recorded.



7. After recording the rival submissions, this writ petition is **disposed of** by directing the petitioner to approach the learned Judicial Magistrate, Thittagudi, Cuddalore and seek permission to obtain renewal of passport in his name by filing an appropriate application. On receipt of the said application, the learned Judicial Magistrate concerned shall pass final orders within a period of four weeks from the date of receipt of a copy of this Order. No costs.

07.07.2022

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders



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To

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- 2 The Inspector of Police
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ABDUL QUDDHOSE, J.
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