



W.P(MD)No.17725 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17725 of 2022

and

W.M.P.(MD)No.12916 of 2022

Mariamammal Anantharaj

... Petitioner

Vs.

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

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned communication dated 07.06.2022 made by the respondent in connection with the petitioner's passport application given with a file No.MD2064207479722 dated 12.05.2022 and quash the same and consequently direct him to issue a passport in the petitioner's favor on the strength of the said application as early as possible within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondent : Mrs.L.Victoria Gowri,
Asst. Solicitor General.



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ORDER

Heard the learned counsel for the writ petitioner and the learned Assistant Solicitor General for the respondent.

2.The petitioner seeks issuance of passport. It is admitted that S.T.C.No.435 of 2021 is pending on the file of the learned Judicial Magistrate, Tenkasi in which the writ petitioner is figuring as accused. When an applicant for issuance passport is being prosecuted, if it is at the FIR stage, this Court will direct the authority to grant passport. But if the case had culminated in final report and also taken on file, then it is only the trial Magistrate, who has to take a call in the matter. Therefore, I relegate the petitioner to move the jurisdictional Judicial Magistrate with the relief now sought for in this writ petition. As and when the petitioner takes out an application, the same will be disposed of on merits and in accordance with law within a period of three weeks thereafter. I make it clear that I have not gone into the merits of the matter.



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3. With this liberty to the writ petitioner and direction to the learned trial Magistrate, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2022

Index : Yes / No
Internet : Yes/ No
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Issue order copy on 10.08.2022



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G.R.SWAMINATHAN, J.

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