



W.P(MD)No.18912 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18912 of 2022

Yasar Arafat

... Petitioner

Vs.

1.The Regional Passport Office,
For Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.600 of 2021)

3.Consulate General of India
Al Hamriya, Diplomatic Enclave
P.O.Box 737, Dubai,
United Arab Emirates
Tel: +3971222/3971333
Fax: +3970453
(R3 is *suo motu* impleaded by this Court
vide order dated 22.08.2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to re-issue the passport to the petitioner in numbers.ARN 22-2002399278 within the time period stipulated by this Court.



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For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.B.Deepa,
Central Govt. Standing Counsel for R1 & R3
Mr.G.Sivaraja,
Government Advocate for R2.

ORDER

Heard the learned counsel on either side.

2.The petitioner is an Indian citizen. He is presently in Dubai. His passport period has expired. He wants it to be re-issued. In view of the pendency of the criminal case registered against the writ petitioner, the first respondent has put the renewal process on hold.

3.When the matter was taken up for hearing, the learned Government Advocate for the second respondent pointed out that the criminal case registered against the petitioner has since culminated in final report and it has also been numbered as S.T.C.No.551 of 2021 on the file of the learned Judicial Magistrate, Padmanabhapuram. If the petitioner in India and he has to leave aboard, then this Court can call upon the petitioner to move the jurisdictional criminal Court. But in this case, the petitioner wants to come back. In such cases, the request of the writ petitioner for renewal ought not to be denied.



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4. The Writ Petition is disposed of with the following directions:-

(a) The petitioner is directed to submit a fresh representation to the third respondent enclosing the web copy of this order made in this writ petition.

(b) Immediately on receipt of such representation, the passport of the writ petitioner shall be re-issued / renewed for a period of two years.

(c) On such re-issuance / renewal, the petitioner has to necessarily move the jurisdictional criminal Court for travelling out of India thereafter. As and when such an MP is filed, the same shall be disposed of by the jurisdictional criminal Court within a period of two weeks thereafter.

5. The writ petition is allowed on these terms. No costs.

22.08.2022

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 08.09.2022

To:-

The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.



WEB COPY



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G.R.SWAMINATHAN, J.

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