

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 25.08.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.19743 of 2022**

Sasikumar

... Petitioner

Vs.

- 1 The Union of India,
Represented by the Principal Secretary,
Ministry of External Affairs,
Union of India,
E Block, Central Secretariat,
New Delhi.
- 2 The Union of India,
Represented by the Principal Secretary,
Ministry of Overseas Indian Affairs,
Union of India, Jaisalmer House,
Mansingh Road,
New Delhi.
- 3 The First Secretary,
Embassy of India, Rua Pero Da Covilha,
No.16, Restelo, 1400-297, Lisbon,
Portugal.
- 4 The Regional Passport Officer,
Office of the Regional Passport Office,
Municipal Water Tank Building,
Tiruchirappalli - 620 008.

... Respondents

Prayer: Writ petition is filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, directing

the respondent No.4 to reissue the petitioner's passport in passport number M9052895 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents: Mr.H.Lakshmi Shankar,
Central Government
Standing Counsel.

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Central Government Standing counsel appearing for the respondents.

2. The writ petitioner is presently at Portugal. He is an Indian citizen and holder of Indian passport. The passport period had expired. He has to come back to India. The petitioner is facing some procedural difficulties because he was an accused in a criminal case. The case against him was split up. It is true that the persons who faced the trial were

acquitted vide order dated 13.08.2019 in S.C.No.252 of 2015 on the file of the Mahila Court, Fast Track Court, Thanjavur. The fact remains that non-bailable warrant was issued against the petitioner and it is still pending. The petitioner states that after the passport is reissued and renewed, he will come back to India and participate in the criminal proceedings.

3. My attention is drawn to the decision reported in **2021 (4) MLJ 289 (Rahul Ravindran V. Union of India and others)**. Taking note of the said decision, this writ petition stands disposed of with the following directions:-

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

b) Immediately on receipt of the same, the passport shall be reissued / renewed for a period of two years.

c) On such re-issuance / renewal, the petitioner shall come back to India and take immediate steps to participate in the pending criminal proceedings and work out his remedies in the manner known to law.

d) The petitioner shall also file a memo before the jurisdictional criminal Court about the order passed in this writ petition.

e) If in case the criminal case does not come to an end within the period for which the passport has been re-issued/renewed, the petitioner shall get the necessary permission only from the concerned Court in line with the notification issued by the Government of India through the Ministry of External Affairs in G.S.R.298(E) dated 14.04.1976

No costs.

25.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

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G.R.SWAMINATHAN,J.

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