



W.P(MD)No.20986 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.09.2022

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.20986 of 2022

T.Antony Robert

... Petitioner

**Vs.**

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

2.The Inspector of Police,  
Thucklay Police Station,  
Kanyakumari 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 respondent to renew and re-issue the petitioner's Passport No.J6945703 within a time stipulated by this Court.

For Petitioner : Mr.M.P.Sreenivasan

For Respondents : Mr.L.Victoria Gowri,  
Assistant Solicitor General for R1  
Mr.R.Sivakumar,  
Govt. Advocate (Crl. Side) for R2.



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## **ORDER**

Heard the learned counsel on either side.

2.The petitioner was earlier holding Indian Passport. It is now due for renewal. The petitioner submitted an application for renewal. The first respondent had not processed the same, in view of the implication of the writ petitioner in a criminal case in Crime No.431 of 2019 on the file of Thucklay Police Station. Hence, this writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) for the second respondent submitted that the final report has been filed through e-filing. It appears that cognizance is yet to be taken. Since the case is at pre-cognizance state, there is no impediment for considering the petitioner's application. The petitioner gives an undertaking that if he intends to leave India, before applying for visa, the petitioner will move the jurisdictional criminal Court and only after getting permission from the jurisdictional criminal Court, leave India. This undertaking given by the writ petitioner is recorded. Subject to the said undertaking, the first respondent is directed to process the petition mentioned application and issue passport to the writ petitioner subject to fulfilment of other formalities.



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

**02.09.2022**

Index : Yes / No  
Internet : Yes/ No  
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To:

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



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**G.R.SWAMINATHAN, J.**

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