



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.21168 of 2021

Rajadurai

... Petitioner

vs.

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

2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District-630 606.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue a passport based upon the petitioner's passport Application in File No.MD1063625821921, dated 06.10.2021 within a stipulated time that maybe fixed by this Court.

For Petitioner	:Mr.R.Senthilkumar
For R1	:Mr.K.Ashok Kumar Ram
For R2	:Mr.N.Satheeshkumar
	Additional Government Pleader

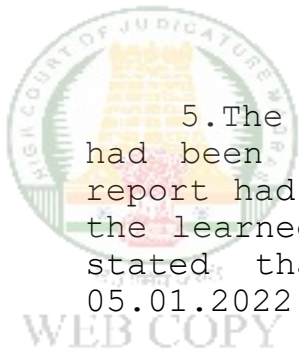
O R D E R

Heard Mr.R.Senthilkumar, learned Counsel for the petitioner, Mr.Ashok Kumar Ram, learned Counsel for the first respondent and Mr.N.Satheesh Kumar, learned Additional Government Pleader for the second respondent.

2.This Writ Petition has been filed in the nature of Mandamus seeking a direction to the first respondent to issue a passport based upon the petitioner's passport Application in File No.MD1063625821921, dated 06.10.2021.

3.The petitioner, Rajadurai, son of Kannan, residing at 115, Old Kalayar Koil Street, Manamadurai Taluk, Sivagangai, had applied for passport on 06.10.2021 in File No.MD1063625821921.

4.The first respondent had received an input from the second respondent that a FIR in Cr.No.103 of 2021 had been registered against the petitioner among others under Sections 147, 94(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The petitioner had been arrayed as seventh accused in the said case.



5.The second respondent had filed a status report, wherein it had been stated that the subsequent to the investigation, final report had been filed and taken cognizance as C.C.No.121 of 2021 by the learned Judicial Magistrate, Manamadurai, on 15.12.2021. It is stated that the matter is actually posted earlier today on 05.01.2022 for appearance of the petitioner herein.

6.1.Pendency of the criminal case should not be a major obstruction for issuing passport to the petitioner herein. Let the first respondent issue notice to the petitioner for his appearance and get necessary undertaking that he would not leave the shores of the country without obtaining necessary permission from the concerned Magistrate Court, where the calender case is pending. If the application of the petitioner is otherwise in order, the first respondent may proceed further to issue passport to the petitioner.

6.2.The petitioner may also given necessary undertaking to the said Judicial Magistrate that he would not abscond judicial proceeding after obtaining the passport and that he would appear before the said Court without fail.

6.3.A direction is issued to the first respondent to issue passport to the petitioner provided the application is otherwise in order within a period of three weeks from the date of receipt of a copy of this order.

7.With the said directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

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

2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District-630 606.



+1 CC to M/s.K.ASOK KUMAR RAM, Advocate (SR-646[F] dated 06/01/2022)

+1CC o M/s.SPL GP,SR.No. 402 dated 06.1.2022

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