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W.P.No.30059 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

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THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.30059 of 2022

Ramvishnu

... petitioner

Versus

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirppalli – 620018.

2. The Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, calling for the records of the 1st respondent pertaining to the impugned order passed in his letter Ref. No.FCL/312588325/22 dated 09.05.2022 and quash the same and consequently direct the 1st respondent to issue a passport to the petitioner based on the Application No.TR01C5037156121 dated 25.09.2021 within the time limit stipulated by this Court.

For Petitioner : Mr.M.Vijayaragavan

For R1 : Mrs.M.E.Saraswathy
Senior Panel Counsel



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For R2 : Mrs.P.Rajarajeswari
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Writ of Certiorarified Mandamus seeking interference with an order dated 09.05.2022 passed by the 1st respondent by which order, the 1st respondent had refused to issue passport to the petitioner herein.

2. The petitioner had applied for a passport on 25.09.2021. However, the 2nd respondent/the Inspector of Police, Kumaratchi Police Station at Cuddalore District had registered FIR in Crime No.35/2021 on 26.02.2021, under Sections 279 and 337 of IPC against the petitioner herein. Thereafter, consequent to investigation conducted, a final report had also been filed under Section 173 of Cr.P.C., before the Judicial Magistrate No.2, Chidambaram. The final report has not yet been taken cognizance by the learned Judicial Magistrate No.2, Chidambaram.

3. Let the petitioner file a fresh application before the 1st respondent seeking to issue a passport enclosing a copy of the final report. But since the petitioner is admittedly and undisputedly a citizen of the Country, he is



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entitled for issuance of a passport.

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4. Let him give necessary undertaking that if at all he intends to go abroad, he shall go abroad only after informing and getting permission from the Judicial Magistrate No.2, Chidambaram where the final report has now been filed.

5. After obtaining such necessary undertaking and after examining other relevant records produced by the petitioner, from the date on which the fresh application is made, the 1st respondent is directed to issue a passport within a period of eight weeks in accordance with rules and regulations.

6. With the above observations, the Writ Petition stands disposed of. No order as to costs.

10.01.2023
(1/2)

ssi

Index : Yes/No

Internet : Yes/No



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C. V. KARTHIKEYAN, J.

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