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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **07.02.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.31511 of 2022

V.Karthikeyan

... Petitioner

..Vs..

The Regional Passport Officer
Regional Passport Office
No. 2 & 3, 4th Floor
Old No. 785, New No. 158,
Rayala Towers, Anna Salai,
Chennai – 600 002.

... Respondent

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondent to consider petitioner online passport application in ARN No. 18-1001256327 dated 25.04.2018.

For Petitioner

:: Mr. P.G.Thiyagu

For Respondent

:: M/s. N.Sivabharathi
CGSC

**ORDER**

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The Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondent / Regional Passport Officer, Regional Passport Office, Chennai, to consider the online application of the petitioner in ARN No. 18-1001256327 dated 25.04.2018.

2. In the affidavit filed in support of the Writ Petition, the petitioner had stated that he applied for passport on 25.04.2018 but the respondent had not issued the same. It is under those circumstances that he had filed the Writ Petition.

3. A counter affidavit filed by the respondent herein wherein the report had been received from the Commissioner of Police, Chennai that there were several cases pending against the petitioner herein. The details of the cases had been given as follows:-

*“(i) Cr.No. 769 of 2011 u/s 143, 147,
341, 188 & 285 IPC;*

(ii) Cr.No. 2381 of 2011 u/s 151 Cr.P.C;



(iii) *Cr.No. 1951 of 2012 u/s 147, 148, 294(b), 324, 506(2) IPC r/w 3 of TNPDDL Act; and*

(iv) *Cr.No. 104 of 2018 u/s 143, 188 IPC.”*

4. It had also been stated that the application of the petitioner had been closed since the petitioner did not respond to show cause notice.

5. In view of the above stands taken by the petitioner and the respondent, the following directions are issued:-

(i) The petitioner may apply afresh through online for passport;

(ii) If such an application is made, the respondent may issue notice to the petitioner to appear;

(iii) When the petitioner appears, he must disclose the list of all



criminal cases at both the FIR stage and also at the trial stage before the competent Court to the respondent;

(iv) The petitioner must also give an undertaking that if ever he leaves the country for any purpose, he would leave only after getting permission from the concerned Magistrate Court or any other Court where the case is pending against him and if FIR is pending after informing and getting permission from the Investigating Officer; and

(v) If the petitioner complies with these directions, then the respondent after verifying the other details of the petitioner and if the petitioner is otherwise eligible for issuance of passport, proceed to do so.

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

07.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order



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To

The Regional Passport Officer
Regional Passport Office
No. 2 & 3, 4th Floor
Old No. 785, New No. 158,
Rayala Towers, Anna Salai,
Chennai – 600 002.

C.V.KARTHIKEYAN, J.,



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