



W.P(MD)No.52 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

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

W.P(MD)No.52 of 2023

Thirumurugan

... Petitioner

**Vs.**

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

2.The State rep. By  
The Inspector of Police,  
Emaneswaram Police Station,  
Ramanathapuram District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to renew the petitioner's passport No.K8999032 and to issue passport vide the petitioner's Application No.MD1074687623322, dated 13.10.2022.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mrs.B.Deepa

CGSC for R1

: Mr.B.Thanga Aravindh

Government Advocate (Crl.side) for R2



W.P(MD)No.52 of 2023

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## ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of passport. He submitted an application before the first respondent. Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Standing counsel submitted that the petitioner is shown as accused in Crime No.93 of 2018 registered on the file of Emaneswaram police station. However, he admitted that final report is yet to be filed. Since the case is pending only at the FIR stage, there is no impediment for the first respondent to grant the relief sought for in the writ petition.

4. However, the petitioner has to appear before the second respondent and file an affidavit indicating his contact details. The petitioner has to furnish his mobile phone details as well as email details. This is because if any final report is filed adverse to the petitioner and the same is taken on file by the jurisdictional Magistrate, it could be possible to serve summons on the



**W.P(MD)No.52 of 2023**

petitioner. The petitioner also must give an undertaking that the prosecution initiated against him will not be stalled, on account of his absence in India. If necessary, the petitioner will have to execute Special Vakalath in future so that he can be represented in the proceedings.

5. The petitioner shall file such an affidavit before the second respondent within a period of two weeks from the date of receipt of a copy of this order. After complying with the terms set out in the aforesaid undertaking, the first respondent is directed to process the petition mentioned application and issue passport subject to fulfilment of the other usual formalities.

6. This writ petition stands allowed. No costs.

**01.02.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

To

The Inspector of Police,  
Emaneswaram Police Station,  
Ramanathapuram District.



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W.P(MD)No.52 of 2023

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

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W.P(MD)No.52 of 2023

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