



W.P(MD)No.123 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.123 of 2023

Syed Ali

... Petitioner

Vs.

- 1.The Union of India,
Rep. by its Principal Secretary,
Ministry of External Affair,
Central Secretariat,
New Delhi.
- 2.The Embassy of India,
Abu Dhabi,
United Arab Emirates.
- 3.The Consulate General of India,
Al Hamriya,
Diplomatic Enclave,
P.O.Box 737, Dubai,
United Arab Emirates.
- 4.BLS International Services,
Indian Passport and Visa Service Centre,
Dubai, United Arab Emirates.
- 5.The Regional Passport Officer,
The Regional Passport Office,
Madurai.
- 6.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.



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7.Mahthum Raja

... Respondents

*(R7 is suo motu impleaded vide order dated
25.01.2023 in W.P.(MD)No.123 of 2023 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to renew the passport of the petitioner by considering his application dated 29.11.2022 in file No.UF2074823896922 within the time limit stipulated by this Court.

For Petitioner : Mr.A.Mohamed Hashim

For Respondents : Mr.V.S.Karthi,
Central Govt. Standing Counsel for R1 to R5.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R6.
Mr.K.Prabakaran for R7.

ORDER

Heard the learned counsel on either side.

2.The petitioner is a holder of Indian passport. He is presently at Abu Dhabi. His passport is expiring on 06.03.2023. The petitioner seeks its extension.



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3.The learned Government Advocate (Crl. Side) for the jurisdictional police as well as the learned counsel for the defacto complainant informed the Court that the criminal case registered against the petitioner has culminated in C.C.No.2198 of 2022 on the file of Judicial Magistrate No.1, Tirunelveli. The next hearing date is 03.03.2023. In these circumstances, the petitioner has to necessarily get proper relief only before the jurisdictional Magistrate. However, taking note of the special facts obtaining in this case, the writ petition is disposed of in the following directions:-

“(a) The petitioner is directed to submit a representation to the the Indian Embassy at Abu Dhabi enclosing a certified web copy of this order made in this writ petition.

(b) Immediately on such representation, the passport of the petitioner shall be renewed for a period of six more months.

(c) On such re-issuance/renewal, the petitioner shall come over to India and file a miscellaneous petition in C.C.No.2198 of 2022. Notice in the miscellaneous petition shall be issued to the



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defacto complainant. After hearing both the parties as well as the jurisdictional Police, the learned trial Magistrate shall pass appropriate orders. The rights of the petitioner will abide by the outcome of the order to be passed in the miscellaneous petition that shall be filed by the writ petitioner. No costs."

20.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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