



W.P(MD)No.85 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.85 of 2023

Mohamed Rafeek

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli 620 018.

2.The Inspector of Police,
Madukkur Police Station,
Madukkur,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue Passport to the petitioner by processing his application in File No.TR1064793779922 based on the explanation / representation dated 20.12.2022 within a time limit stipulated by this Court.

For Petitioner : Mr.B.Anandan

**For Respondents : Mr.V.B.Sundhareshwar,
Central Govt. Standing Counsel for R1.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R2.**



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ORDER

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Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport.

3.The learned Government Advocate (Crl. Side) for the second respondent filed counter affidavit in which the following details have been set out:-

S.No.	Crime No. & Offence	Police Station	Stage
1.	Crime No.594 of 2021, U/s. 380, 454 of IPC	Madukkur	Charge sheeted and not taken on file
2.	Crime No.702 of 2021, U/s. 380, 454 of IPC	Madukkur	Under Investigation
3.	Crime No.91 of 2022, U/s. 379 of IPC	Madukkur	Charge sheeted and not taken on file
4.	Crime No.611 of 2021, U/s. 147, 148, 294(b), 307, 324, 365, 427, 448 of IPC @ U/s. 147, 148, 149, 294(b), 307, 324, 427, 448 of IPC	Pattukottai Taluk	Pending Trial P.R.C.No.24 of 2022, dated 27.09.2022. Next hearing date 26.02.2023
5.	Crime No.1271 of 2021, U/s. 224 of IPC	Medical College	Charge sheeted and not taken on file
6.	Crime No.207 of 2022, U/s. 20(b)(ii)(B), 8(c) of NDPS Act	Vellore Taluk	Under Investigation



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Though five cases out of six cases are still pending at the FIR stage, Crime No.611 of 2021 on the file of Pattukottai Taluk Police Station has been charge sheeted and it is pending trial in P.R.C.No.24 of 2022 on the file learned Judicial Magistrate, Pattukottai. The next hearing date is 26.02.2023. The petitioner has to necessarily approach the jurisdictional Magistrate Court for relief. If such a petition is filed by the petitioner, it shall be numbered immediately and disposed of on merits and in accordance with law within a period of four weeks thereafter.

4.With this liberty to the petitioner to move the jurisdictional Magistrate Court and direction to the learned Committal Magistrate, the writ petition is disposed of. No costs.

27.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
ias

Issue order copy on 31.01.2023.

To:

The Inspector of Police,
Madukkur Police Station,
Madukkur,
Thanjavur District.

Copy to:-

The Judicial Magistrate,
Pattukottai.



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G.R.SWAMINATHAN, J.

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