



W.P(MD)No.423 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.423 of 2023

N.Tamilzharasan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli.

2.The Inspector of Police,
Peravurani Police Station,
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 consider the petitioner's passport Application No.TR1064333075322 dated 22.06.2022 and consequently direct the 1st respondent to issue the Fresh passport to the petitioner on the basis of his representation dated 02.11.2022 within the stipulated time by this Court.



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For Petitioner : Mr.S.T.Sasidharan Tamilkani

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

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 Government Advocate (Crl. Side) submitted that the petitioner is shown as A1 in Crime No.660 of 2021 registered on the file of Peravurani 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



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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 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. This writ petition stands allowed. No costs.

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Inspector of Police,
Peravurani Police Station,
Thanjavur District



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G.R.SWAMINATHAN, J.

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