



W.P(MD)No.343 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.343 of 2023

Pasuvendhiran

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Tiruchirappalli,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli-620018.

2.The Enquiry Officer,
The Regional Passport Office,
Tiruchirappalli,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli-620 018.

3.The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur.

... 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 respondents 1 and 2 herein to issue Passport in the petitioner's favour on the basis of the petitioner's passport application No.TR1064672605722, dated 13.10.2022 within the time stipulated by this Court.



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For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.P.Subbiah
Senior Panel Counsel for R1 & R2

: Mr.B.Thanga Aravindh
Government Advocate (Crl.side) for R3

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.126 of 2019 registered on the file of Adirampattinam 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.



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4. However, the petitioner has to appear before the third 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 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 third 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.

31.01.2023

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

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To

The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur.

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