



W.P(MD)No.424 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.424 of 2023

Sundaramoorthy

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Mudhukulathur 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, directing the 1st respondent to re-issue the petitioner the passport vide file No.MD1071636625118 dated 12.10.2022.

For Petitioner : Mr.R.Venkateswaran

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



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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.The learned Government Advocate (Crl. Side) filed counter affidavit indicating the involvement of the writ petitioner in three criminal cases. One of them has already been closed by invoking Section 468 of Cr.P.C. The other two cases are only under Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. They are petty offences. In any event, they are only under investigation. Since the cases are 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



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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,
Mudhukulathur Police Station,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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