



W.P(MD)No.469 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.469 of 2023

Rajasekara Pandiyan

... Petitioner

Vs.

1.The Secretary to Government of India,
Ministry of External Affairs,
New Delhi.

2.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625002.

3.The State Rep. by,
The Inspector of Police,
Kadaladi 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, to direct the 2nd respondent to renew the petitioner passport No.V4513238 in favour of the petitioner for the period of another 10 years from 05.01.2023 through the Consular of Indian Embassy at Abu Dhabi, UAE as immediately.



W.P(MD)No.469 of 2023

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.J.Alaguram Jothi
Senior Panel Counsel for R1 & R2.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks renewal of his passport. The petitioner is presently residing at Abu Dhabi. The petitioner's apprehension is that his application will not be processed on account of his involvement in a criminal case.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) for the third respondent submitted that the criminal case initiated against the petitioner had culminated in final report and it has been taken on file in P.R.C.No.5 of 2022 on the file of the learned Judicial Magistrate, Kadaladi. He wanted this Court to direct the petitioner to go before the jurisdictional Magistrate Court.



W.P(MD)No.469 of 2023

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4. The learned counsel for the petitioner pointed out that the petitioner has since filed CrI.O.P.(MD)No.16346 of 2022 and an order of interim stay was granted by this Court. It was also subsequently extended. As on date, the interim order is in force. In these circumstances, the request of the petitioner cannot be denied. The petitioner has submitted his renewal application before Indian Embassy at Abu Dhabi. It appears that Indian Embassy has sent e-mail to the second respondent that they would consider the petitioner's application only if the petitioner obtains an order from this Court. Inasmuch as, the criminal case filed against the petitioner has been stayed by this Court in CrI.O.P.(MD)No.16346 of 2022, there cannot be any impediment for renewing the petitioner's application. The petitioner shall file an affidavit before Indian Embassy which shall be forwarded to the second respondent that he will abide by the outcome of the quash proceeding. If the criminal original petition is dismissed, the petitioner has to make arrangements that the criminal case proceedings will not stalled or delayed on account of his absence from India. The second respondent is directed to renew the petitioner's passport for a period of two more years. The second respondent shall coordinate with Indian Embassy in this regard. The entire exercise shall be completed as expeditiously as possible.



W.P(MD)No.469 of 2023

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5. The writ petition is allowed on these terms. No costs.

31.01.2023

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

The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.



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W.P(MD)No.469 of 2023



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W.P(MD)No.469 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.469 of 2023

31.01.2023