



W.P(MD)No.499 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.499 of 2023

S.V.Subbiah

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Represented by the Regional Passport Officer,
Bharathi Ula Road,
Race Course Salai,
Madurai,
Madurai District.

2.The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Radhapuram Taluk,
Tirunelveli 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 first respondent to consider the petitioner's representation dated 21.12.2022 for issuance of No Objection Certificate in the renewed passport of his son bearing No.V8778005 on merits and in accordance with law.



W.P(MD)No.499 of 2023

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.R.Arjunarajan for R1

:Mr.B.Thanga Aravindh
Government 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 Standing counsel submitted that the petitioner is shown as accused in Crime No.334 of 2021 registered on the file of Koodankulam police station. Though the second respondent has filed final report, it is yet to be taken on file. I therefore proceed on the premise that no proceedings are pending before the the jurisdictional Court. 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.



W.P(MD)No.499 of 2023

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 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.

6. This writ petition stands allowed. No costs.

01.02.2023

Index : Yes / No
Internet : Yes/ No
rmi



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W.P(MD)No.499 of 2023

G.R.SWAMINATHAN, J.

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To

The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Radhapuram Taluk,
Tirunelveli District.

W.P(MD)No.499 of 2023

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