



W.P(MD)No.582 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.582 of 2023

and

W.M.P(MD)No.579 of 2023

D.Vetrikondan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office Tiruchirapalli,
Municipal Water Tank Building,
W.B.Road,
Tiruchirapalli.

2.The Superintendent of Police,
Pudukkottai,
Pudukkottai District.

3.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent vide his proceeding in Letter Ref. No.SCN/313927539/22 16.12.2022 and quash the same as illegal and consequently direct the first respondent to issue passport to him within the time stipulated by this Court.



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For Petitioner : Mr.V.Sujatha
For R-1 : Mr.K.Gokul
Central Government Standing Counsel
For R-2 & R-3 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

Heard the learned Counsel on either side.

2. The writ petitioner seeks issuance of passport. The petitioner is figuring as an accused in Crime No.12 of 2017 registered on the file of the Karaikudi South Police Station. The petitioner had earlier filed W.P(MD)No. 22112 of 2022. It was dismissed on 18.10.2022. Because it was submitted by the passport authority that the petitioner's application was already closed. Hence, the petitioner has filed a fresh application. He has once again been issued with impugned show cause notice dated 16.12.2022. There is no need to interfere with the show cause notice. All the show cause notice states is that the petitioner should appear before the first respondent and offer his explanation. The petitioner can very well do so. In the meanwhile, it appears that the only impediment for processing the application is the pendency of the criminal case. I wanted to know the status of the same.



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3. The learned Government Advocate appearing for the second and third respondents submits that the case is still pending only at the FIR stage. It is well settled, the pendency of the criminal case in the FIR stage cannot be an impediment for issuing passport.

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 the petitioner satisfies the first respondent that he has complied with the undertaking mentioned above, the first respondent shall process the petition mentioned application and issue passport subject to fulfilment of the other



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usual formalities. This writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

07.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

Note: Issue order copy on 06.03.2023.
To

- 1.The Regional Passport Officer,
Regional Passport Office Tiruchirapalli,
Municipal Water Tank Building,
W.B.Road,
Tiruchirapalli.
- 2.The Superintendent of Police,
Pudukkottai,
Pudukkottai District.
- 3.The Inspector of Police,
Karaikudi South Police Station,
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G.R.SWAMINATHAN, J.

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