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W.P.(MD)No.628 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.628 of 2023

J.Jagades Chandran

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar, 7th Cross,
Tiruchirappalli – 620 018.

2.The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.

... Respondents

*(R2 is impleaded vide Court order dated 24.01.2023 in
W.M.P.(MD)No.1020 of 2023
in W.P.(MD)No.628 of 2023 by GRSJ)*

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider my application No.TR2064611099122 dated 21.09.2022 and to issue passport to me based on the representation dated 21.11.2022.

For Petitioner : Mr.N.Anandakumar

For R1 : Mr.Ragaventhree
Central Government Senior Counsel

For R2 : Mr.B.Thanga Aravindh
Government Advocate



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ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. Since he is involved in a criminal case, the petitioner apprehends that his application may not be processed. Hence this writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate appearing for the second respondent submitted that Crime No.108/2022 has culminated into final report which has been filed before the Judicial Magistrate, Thuraiyur. However, it has not been taken on file as on date.

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 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 usual formalities.

6.This writ petition stands allowed. No costs.

21.02.2023

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

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G.R.SWAMINATHAN,J.

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To

- 1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar, 7th Cross,
Tiruchirappalli – 620 018.
- 2.The Inspector of Police,
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