



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.902 of 2023

V.Karthick

... Petitioner

V.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
7th Cross, Thillai Nagar,
Tiruchirappalli.

2.The Inspector of Police,
Mimisal Police Station,
Pudhukkottai District.

3.The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to issue passport to the petitioner by considering the petitioner's application dated 23.09.2022 in File No.TR2074617060322.

For Petitioner : Mr.S.Sathyachidambaram



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For Respondents : Mr.S.Jeyasingh,
Central Government Standing counsel
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 had already submitted the petition mentioned application. Apprehending that his request may not be considered on account of his involvement in criminal cases, tis writ petition has been filed.

3.When the matter was taken up for hearing, the learned Government Advocate for the second respondent submitted that three cases registered against the petitioner have culminated in final report but they are yet to be taken on file. It is not in dispute that the case pending against the petitioner is only at FIR stage. There cannot be any impediment to process the petitioner's application. Since cognizance is yet to be taken, I have to proceed on the premise that no proceeding is pending in any court.



4.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. 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.

5.This writ petition stands allowed. No costs.

01.02.2023

Index : Yes / No
Internet : Yes/ No
skm

To

- 1.The Regional Passport Officer, Regional Passport Office,
New Municipal Complex, 7th Cross, Thillai Nagar, Tiruchirappalli.
- 2.The Inspector of Police, Mimisal Police Station, Pudhukkottai District.
- 3.The Inspector of Police, Nagudi Police Station, Pudukkottai District.



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G.R.SWAMINATHAN, J.

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