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W.P.(MD)No.1230 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.1230 of 2023**

Anbucheliyan Sadasivam

... Petitioner

Vs.

1.The Regional Passport Officer,  
Regional Passport Office,  
New Municipal Complex,  
Thillainagar,  
Trichy - 620 008.

2.The Inspector of Police,  
Pattukottai Taluk Police Station,  
Thanjavur District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner on the basis of the petitioner's application dated 17.08.2022 pending in File No.TR1074498669922 before the first respondent by accepting the petitioner's explanation within a time frame.

For Petitioner : Mr.G.Suresh Kannan

For R1 : Mr.P.Subbiah

Senior Panel Counsel

For R2 : Mr.B.Thanga Aravindh  
Government Advocate

\* \* \*

**ORDER**

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Heard the learned counsel on either side.

2.The petitioner applied for issuance of passport. While processing the same, the first respondent came to know that a criminal case was registered against the petitioner. Hence the impugned notice dated 30.08.2022 came to be issued. Apprehending that he may not be issued with passport, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the second respondent clarifies that the case registered against the petitioner is pending only at the FIR stage. 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.

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 four 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. There shall be no order as to 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,  
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New Municipal Complex,  
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Trichy - 620 008.
- 2.The Inspector of Police,  
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