



W.P(MD)No.1163 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.1163 of 2023

Meena

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road, Madurai

2.The Inspector of Police,
Koombur Police Station,
Dindigul 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 a passport to the petitioner by considering the petitioner's application taken on file as File No. MD1064800140322 within the time that may be stipulated by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.K.Maharajan
Central Government Standing Counsel
for R.1
Mr.R.Sivakumar
Government Advocate (Criminal Side)
for R.2



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ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. She 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 Government Advocate (Criminal Side) submitted that the petitioner is shown as accused in Crime No.111 of 2019 registered on the file of Koombur Police Station. However, he admitted that final report is yet to be filed. 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. Only a petty case has been registered against the petitioner under Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

4.However, the petitioner has to appear before the second respondent and file an affidavit indicating her contact details. The petitioner has to furnish her 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



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jurisdictional Magistrate, it could be possible to serve summons on the petitioner. The petitioner also must give an undertaking that the prosecution initiated against her will not be stalled on account of his absence from India. If necessary, the petitioner will have to execute Special Vakalath in future so that she can be represented in the proceedings.

5.The petitioner shall file such an affidavit before the second respondent within a period of three weeks from the date of receipt of a copy of this order. After the petitioner satisfies the first respondent that she 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. This writ petition stands allowed. There shall be no order as to costs.

20.02.2023

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

To

1.The Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course Road, Madurai

2.The Inspector of Police, Koombur Police Station,
Dindigul District.



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G.R.SWAMINATHAN, J.

MGA

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