



W.P(MD)No.1526 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1526 of 2023

and

W.M.P(MD)No.1397 of 2023

R.Elango

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Uchipuli Police Station,
Uchipuli,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned clarification under Letter Ref.No.SCN/313992321/22 dated 28.12.2022 issued by the first respondent and to quash the same as unwarranted and unlawful and further to direct the first respondent to renew and re-issue passport under File No.MD01C5102345322 to the petitioner within the time frame fixed by this court.



W.P(MD)No.1526 of 2023

For Petitioner : Mr.M.Kaliraj

For Respondents : Mr.V.Malaiyendran
Central Government Standing Counsel
for R.1

Mr.R.Sivakumar
Government Advocate (Criminal Side)
for R.2

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks reissuance of passport. He submitted an application. After verification, the impugned communication came to be issued. Hence the present writ petition has been filed.

3.The learned Government Advocate (Criminal Side) appearing for the second respondent submitted that the criminal case registered against the petitioner is still 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



W.P(MD)No.1526 of 2023

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 reissue passport subject to fulfilment of the other usual formalities.

6. This writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.02.2023

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



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W.P(MD)No.1526 of 2023

G.R.SWAMINATHAN, J.

MGA

To

- 1.The Regional Passport Officer,
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