



W.P(MD)No.2082 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2082 of 2023

Karthika

... Petitioner

Vs

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

2.The Inspector of Police,
Adirampattinam Police Station,
Adirampattinam,
Thanjavur 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 reissue the passport bearing No.H7290662 to the petitioner by processing her application in File No.TR1073246853121, on the basis of the considering the petitioner's representation dated 27.01.2023 within a time limit stipulated by this Court.



W.P(MD)No.2082 of 2023

For Petitioner : Mr.B.Anandan

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. 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.190 of 2018 registered on the file of Adirampattinam 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.

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



W.P(MD)No.2082 of 2023

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 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 two 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 reissue 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



WEB COPY



W.P(MD)No.2082 of 2023

G.R.SWAMINATHAN, J.

MGA

To

- 1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 018.
- 2.The Inspector of Police,
Adirampattinam Police Station,
Adirampattinam,
Thanjavur District.

W.P(MD)No.2082 of 2023

20.02.2023