



W.P(MD)No.2222 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.2222 of 2023

Santhosh

... 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,
Pattukkottai Town Police Station,
Pattukkottai,
Thanjavur District.

3.The Inspector of Police,
Prohibition Enforcement Wing,
Cuddalore.

... 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 proceedings his application in File No.TN1064923069122 based on the explanation / representation dated 24.01.2023 within a time limit stipulated by this court.



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For Petitioner : Mr.A.Anandan

For Respondents : Mr.S.Jeyasingh
Senior Panel Counsel for R.1

Mr.R.Sivakumar
Government Advocate (Criminal Side)
for R.2 & R.3

ORDER

Heard the learned counsel on either side.

2.The petitioner submitted an application for issuance of passport. Apprehending that it will not be processed in view of his involvement in 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 final report has been filed against the petitioner and the same has been taken on file in PRC No.41 of 2022 on the file of the learned Judicial Magistrate, Pattukkottai. The only allegation made against the petitioner is that he was in possession of Aruval. The case was registered only under Section 399 of IPC. It is not necessary that the petitioner's application should be put on hold for this reason.

4.The last hearing date is said to be 14.02.2023. The petitioner shall appear before the jurisdictional Magistrate on the next hearing date. The



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petitioner will file an affidavit of undertaking to appear on all future hearing dates either in person or through counsel. The petitioner has to furnish his mobile phone details as well as email details. The petitioner also must give an undertaking that the prosecution 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 he can be represented in the proceedings.

5.The petitioner shall file an affidavit before the first respondent indicating compliance of the aforesaid undertaking. Thereupon the first respondent will process the petitioner's application and issue passport to the petitioner subject to the fulfilment of other usual formalities. This writ petition is allowed on these terms. 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,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 018.



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G.R.SWAMINATHAN, J.

MGA

- 2.The Inspector of Police,
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