



W.P(MD)No.2205 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.2205 of 2023

Aristatil

... 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,
Madukkur Police Station,
Madukkur,
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 confirming the petitioner's passport bearing No. W4799767-reissue/renewal in his File No. TN1074656798922 dated 11.10.2022 by accepting the petitioner's explanation regarding pendency of the case in Crime No. 501 of 2022 on the file of the second respondent under investigation, on the basis of the considering the petitioner's representation dated 14.01.2023 within a time limit stipulated by this Court.



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For Petitioner : Mr.B.Anandan

For Respondents : Mr.S.Jeyasingh
Senior Panel 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 was already issued with passport. Thereafter an adverse police verification report was received. That led to the issuance of the impugned show cause notice dated 28.10.2022.

3.When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) stated that that a 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



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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.After the petitioner complies with the undertaking and reports the same to the first respondent thereafter, the impugned proceedings shall be dropped and the petitioner's passport shall be confirmed also. 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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