



W.P(MD)No.2418 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2418 of 2023

N.Suresh

... Petitioner

Vs

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

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

3.The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanyakumari 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.T3685598 - reissue / renewal in his File No. MD4072510068319 dated 16.10.2019 by accepting the petitioner's explanation regarding pendency of the case in Crime No.26 of 2018 on the file of the second respondent under investigation, on the basis of the considering



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the petitioner's representation dated 31.01.2023 within a time limit stipulated by this Court.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.D.Saravanan

Central Government Standing Counsel
for R.1

Mr.B.Thanga Aravindh

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

ORDER

Heard the learned counsel on either side.

2.The petitioner was holding an Indian passport. He seeks renewal of the same. Since the petitioner got involved in a criminal case, the first respondent did not process the petitioner's application. Hence the present writ petition has been filed.

3.The learned Government Advocate (Criminal Side) appearing for the respondents 2 and 3 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 third respondent and file an affidavit indicating his contact details. The petitioner has to furnish his



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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 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 such an affidavit before the third 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 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.

22.02.2023

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



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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Regional Passport Officer,
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