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W.P.(MD)No.2530 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2530 of 2023

Govindaraj

... Petitioner

Vs.

1.The Regional Passport Officer,
New Municipal Complex,
Thillai Nagar, 7th Cross,
Trichirappalli - 620 018.

2.The State represented by
The Inspector of Police,
Ragunathapuram Police Station,
Pudukkottai District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to renew the petitioner's passport No. G6417634 and to issue Passport vide the petitioner Application No. TR107/4602690722, dated 19.09.2022

For Petitioner : Mr.D.Rameshkumar

For R1 : Mr.M.Karthikeyavenkitachalapathy
Senior Panel Counsel

For R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

**ORDER**

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Heard the learned counsel on either side.

2.The petitioner seeks renewal of passport. Since criminal cases are pending against the petitioner, his passport application has not been processed. That led to the filing of this writ petition.

3.When the matter was taken up for hearing, the learned Government Advocate appearing for the second respondent submitted that two cases are pending against the petitioner and that final reports have been filed in both the cases before the Judicial Magistrate, Alangudi and that cognizance is yet to be taken.

4.It is well settled that pendency of criminal case in FIR stage is not an impediment for issuance of passport. In this case since cognizance has not been taken, I have to proceed on the presume that there is no criminal proceedings pending on the file of any Court as of now.

5. 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 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.

6. The petitioner shall file such an affidavit before the second 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.

7. This writ petition is allowed on these terms. No costs.

28.02.2023

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

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G.R.SWAMINATHAN,J.

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To

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